

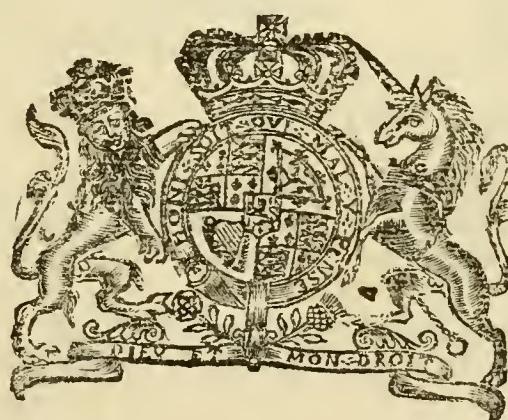


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John D.
N. 31. a.

THE
VOTES
AND
PROCEEDINGS
OF THE
General ASSEMBLY
OF THE
Province of NEW-JERSEY.

Held at BURLINGTON on Monday the 20th. of February 1748-9,



PHILADELPHIA.

Printed by WILLIAM BRADFORD at the Sign of the Bible in
Second Street, M,DCCXLIX.

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V O T E S

O F T H E

General ASSEMBLY

The Names of the REPRESENTATIVES.

City of Perth-Amboy,	<i>Samuel Nevill</i> , Speaker.	<i>Lewis Johnston</i> ,
County of Middlesex,	<i>John Wetherill</i> ,	<i>James Smith</i> ,
Monmouth,	<i>John Eatton</i> ,	<i>Robert Lawrence</i> ,
Essex,	<i>John Crane</i> ,	<i>Joseph Camp</i> ,
Somerset,	<i>John Van Middlesworth</i> ,	<i>Hendrick Fisher</i> ,
Bergen,	<i>Lawrence Van Buskirk</i> ,	<i>Derick Dey</i> ,
City of Burlington,	<i>Richard Smith</i> , jun.	<i>Daniel Smith</i> ,
County of Burlington,	<i>William Cooke</i> ,	<i>Joshua Bispham</i> ,
Gloucester,	<i>Joseph Cooper</i> ,	<i>James Hinksman</i> ,
Salern, & Cunl. ^{and}	<i>William Hancock</i> ,	<i>John Brick</i> ,
Cape-May,	<i>Aaron Leaming</i> ,	<i>Jacob Spicer</i> ,
Hunterdon & Morris,	<i>William Mott</i> ,	<i>John Emley</i> ,

M O N D A Y, February 20. 1748-9.

PURSUANT to His Majesty's Writts for electing Representatives for the Province of New-Jersey to meet at *Burlington*, and several Prorogations to this Day, Seventeen of the Members met.

Mr. *Leaming* and Mr. *James Smith* were desired to wait on His Excellency and inform him, that a sufficient Number of the Members to proceed on Business were met.

Mr. *Leaming* and Mr. *Smith* being return'd, inform'd the Members, that they had waited upon the Governor with the above Message, who was pleased to say, that there was not a Council in Town, but when there was, He would send for the House; in the mean Time he would appoint Persons to qualify the Members in the House.

Mr.

17th Assembly

Mr. Secretary Read produc'd a *Dedimus* appointing the Honourable *Richard Smith, Samuel Nevill, Robert Lawrence, William Hancock, James Smith, and Jacob Spicer, Esqrs.* or any three or more of them, to qualify the Members, and the Clerk of the Crown attending with the Rolls, the Members present were qualified, and then proceeded to the Choice of a Speaker, whereupon *SAMUEL NEVILL, Esq;* was unanimously chosen Speaker, and plac'd in the Chair.

Ordered,

That Mr. *Hancock* and Mr. *Lawrence* do wait on His Excellency and desire to be inform'd, when the House shall attend Him to present their Speaker.

Mr. *Hancock* reported, that Mr. *Lawrence* and himself had waited upon His Excellency with the Message of the House, to which he was pleased to say, that when he should be ready to receive the House He would let them know by the Secretary.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, February 21. 1748-9.

The House met.

Hendrick Fisher, William Mott, and Derick Dey, Esqrs. attending, were qualify'd in the House before Mr. Speaker, *William Hancock, James Smith, and Jacob Spicer, Esqrs.* and took their Seats in the House accordingly.

The House adjourn'd till 2 P. M.

The House met.

Mr. *Lawrence* had leave to be absent on an extraordinary Occasion.

A Message to the House by Mr. Secretary Read.

" Gentlemen,

" His Excellency is in the Council Chamber ready to receive the Presentation of your Speaker."

The House waited on His Excellency accordingly, and being return'd, Mr. Speaker resum'd the Chair, and reported, that the House had presented him to his Excellency, who was pleased to approve of their Choice. Mr. Speaker likewise reported, that he had desir'd the Priviledges of the House as follows.

' I pray, Sir, that the Members of the General Assembly may have freedom of Speech in their Debates, as by Right and Custom they have hitherto used, and all their ancient and just Priviledges allow'd to them.

That

‘ That as often as necessity for His Majesty’s Service and the Good of this Province shall require, the *Speaker*, or any of the Members, may by Directions of the House of General Assembly, have access to Your Excellency’s Person.

‘ That in any Thing I shall deliver in the Name of the General Assembly, if I shall commit any Error, no fault may be imputed to them, and that I may resort again to the House for a Declaration of their true Intent, and that my unwilling Error may be pardon’d. To which His Excellency was pleased to make the following Answer.

“ SIR,

“ There being in the present House of General Assembly, a great Majority of those who were Members of the late House, Your new choice does You much Honour, as it declares to your Country the Value the present General Assembly has of Your wise and prudent Conduct in so Honourable a Station, and on My Part I readily fall in with this their just way of thinking, and do freely assure You, as the Head of so considerable a part of this Legislature, that, as in Duty to the KING My Master, I shall always have the most tender Regard to His Honour and Authority, so I shall at the same Time carefully avoid the least Infringement on the just Privileges and Customs of the Honourable House of General Assembly. And You, Sir, as well as any, and all the other Members, may with freedom repair to me on all Occasions.”

Burlington,

Feb. 21. 1748-9

J. BELCHER.

A Message to the House by Mr. Secretary Read.

‘ Mr. Speaker,

‘ His Excellency requires the attendance of this House in the Council Chamber immediately.’

Mr. Speaker left the Chair, and with the House waited upon His Excellency; and being return’d, Mr. Speaker resum’d the Chair, and reported, that His Excellency was pleased to make a Speech to both Houses, of which Mr. Speaker said he had, to prevent mistakes, obtain’d a Copy.

Ordered,

That His Excellency’s Speech be read, and it was read, and is as follows.

Gentlemen of the Council and of the General Assembly,

“ IT is now above Eighteen Months since My arrival to this Government, in which Time I often urged the Council and the late Assembly to fall into some effectual Measures for putting an End to the Confusions and Disorders I found the Province in at My arrival, and had so been for many Years before, arising from a wicked Combination of audacious Rioters, situated in many Parts of the Province: I was indeed pleas’d

" with the Steps taken in the last Winter's Session by the whole Legislature,
 " to bring these outragious People into a loyal and dutiful Behaviour to the
 " KING, and to His Government; but I am sorry to say (what You all
 " know) that the Measures taken have not produc'd the desired Effect;
 " this therefore (with other Reasons) was the Occasion of My dissolving the
 " late Assembly, hoping, upon a new Choice, there might come on a
 " better Harmony between His Majesty's Council and the General Assembly,
 " in this and in all other Matters. And as We are now at the first Session
 " of this Assembly, let me entreat You, and kindly caution You against
 " unhappy Feuds and Animosities among Yourselves. The sacred unerring
 " Oracles tell us, '*the wringing of the Nose bringeth forth Blood.*' And that
 " it is better 'to leave off Contention before it be meddled with.'

" Gentlemen,

" I had not given You the trouble of meeting me at this difficult Season,
 " but that I think the present distres'd State of the Province, with respect
 " to the Rioters, loudly demands Your immediate and effectual Care.

" And I must now, *Gentlemen of the General Assembly*, more particularly
 " turn Myself to You, that You would give an Instance of Your real tender
 " Regard to Your Constituents, the good People of this Province, by making,
 " without delay, what may be judg'd a sufficient supply of Money
 " for defraying the Charge of guarding the Jails, as it may become necessary:
 " For while these atrocious Villians lay open the Doors of the KING's
 " Prisons with Impunity, there can be no End of mobbing and rioting, nor
 " can the KING's good and obedient Subjects be safe in their Persons,
 " Liberties or Estates. You would do well to consider, what further Laws
 " may be necessary for curbing and suppressing the unparalleled Insolence of
 " these People.

" *Gentlemen of the Council and of the General Assembly*,

" If nothing should be agreed on by You in this Session, for bringing to condign Punishment such Persons as get together from time to time, with a Spirit of Murder against the Officers of the Government, who are in the Execution of their Duty, for the Defence and Support of the KING's Authority and of the Laws of the Province. I say, if nothing should be done among Ourselves, I must, in Duty to the KING, and from the real Regard I have to the Welfare and Prosperity of the good People committed to My Care, lay the present deplorable State of this Province and Government before His Majesty, and implore His Royal aid for preventing their becoming a rude Scene of Anarchy, with all its fatal Consequences.

Burlington,
 Feb. 21, 1748-9.

J. BELCHER.

Ordered,
 That His Excellency's Speech have a second Reading.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday,

Wednesday, February 22. 1748-9:

The House met.

Ordered,

That the Clerk of the Crown do attend this House this Afternoon with the Returns of the Writs for electing Representatives to sit in this Assembly.

His Excellency's Speech was read a second time, and committed to a Committee of the whole House.

Mr. Thomas Bartow, Clerk to the General Assembly, having signified to the House by a Letter to the Speaker, that he could not conveniently attend the House at *Burlington* this sitting, the House taking the same into Consideration, are unanimously of Opinion, that it will be much more convenient for the Dispatch of the publick Business to have two Clerks to attend the General Assembly for the future, the one residing at *Perth-Amboy* and the other at *Burlington*, where the Sessions are to be held.

Ordered,

That Mr. Fisher and Mr. Hinkman do wait on His Excellency and acquaint him with the Sentiments of the House on this Occasion; and also desire His Excellency will be pleased to commissionate a Person residing in the City of *Burlington* to be one of the Clerks of the General Assembly, and that the House do humbly recommend *Samuel Smith* as a fit Person for that Office.

Resolved,

That two of the Members of this House, with the Speaker, be a sufficient Number to meet and adjourn from time to time, but that not less than Sixteen be a sufficient Number to proceed to any other Business, nor less than Twenty when any Money is to be rais'd or apply'd.

Resolved,

That the Members Names to their Yeas and Nays, shall be enter'd if desired by any three Members.

Ordered,

That William Bradford of *Philadelphia* do print the Votes and Minutes of this House, being first perus'd and sign'd by the Speaker.

Ordered,

That William Norcross be appointed Door-keeper of this House.

Mr. Fisher reported, that Mr. Hinkman and himself had waited upon His Excellency with the Message of the House, who was pleased to say, He would let the House know by Mr. Secretary.

The House adjourn'd to two o'Clock P. M.

The

The House met.

Dr. Lewis Johnston attending, was qualify'd in the House before Mr. Speaker, William Hancock, James Smith and Jacob Spicer, Esqrs. and took his Seat in the House accordingly.

Ordered,

That Mr. Eaton, Mr. Fisher, Mr. Cooper, and Mr. Hancock be a Committee to bring in a Bill to enable the Legislature to settle the Quota's of the several Counties in this Colony.

Two Petitions were presented to the House, one from the Inhabitants of the Borough of Trenton, and the other from the Inhabitants of Borden-Town, setting forth, that there is a necessity of a Bridge over Crosweeks-Creek, and praying for an Act for that Purpose; which were read and order'd a second Reading.

Mr. Secretary Read attending was called in, and acquainted the House, that His Excellency had comply'd with the Recommendation of the House respecting the Appointment of a Clerk; upon which he produc'd a Commission from His Excellency appointing Samuel Smith to that Office, who being present was qualify'd according to Law.

The Clerk of the Crown, according to Order, laid the Returns of the Writs before the Houle.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, February 23. 1748-9.

The House met.

A Petition from the Inhabitants living between the two Lines lately run by James Lyne and Ralph Smith in the County of Somerset, was presented to the House, setting forth, that the Petitioners conceive that private Views, and the restless Dispositions of three or four Persons gave rise to the Attempt for having the Boundaries altered between the Counties of Somerset and Morris, and that they the said Petitioners are very willing and desirous to continue in the laid County of Somerset, and therefore pray that a Time may be appointed to hear their Reasons against the Alteration of the said Boundaries. Which was read and ordered a second Reading.

A Petition was presented to the House from the Inhabitants of the County of Morris, setting forth, that in Case the Prayer of the Petition from the Inhabitants of Basking-ridge be not granted, they desire that the Line between the Counties of Morris and Somerset may be established according to a Survey which they have to exhibit; which was read and ordered a second Reading.

Mr

Mr. Eatton, from the Committee appointed for that Purpose, brought in a Bill entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony*, which was received and read, and ordered a second Reading.

The House adjourn'd till 2 P. M.

The House met.

The two Petitions relating to the Settlement of the Line between the Counties of *Somerset* and *Morris* were read a second Time, and some of the Parties concern'd attending, were fully heard on each Side, after which they were order'd to withdraw, and the House having consider'd the Allegations on both Sides, referr'd the same to further Consideration.

The House adjourn'd till to-morrow Morning nine o'Clock.

Friday, February 24. 1748-9.

The House met.

The Bill entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony*, was read the second Time, and committed to a Committee of the whole House.

The House resolved itself into a Committee of the whole House, to consider the Governor's Speech : After some time spent therein, Mr. Speaker resum'd the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some Progress in the Matter to them referr'd, and desired leave to sit again. To which the House agreed.

A Petition was presented to the House from a Committee of the Trustees of the College of *New-Jersey*, renewing their Application for the Assistance and Encouragement of the Legislature to the said Undertaking ; which was read and ordered a second Reading.

The House adjourn'd to two o'Clock, P. M.

The House met.

The House resolved itself into a Committee of the whole House to consider the Bill to enable the Legislature to settle the Quota's, &c. After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Eatton Chairman, reported, that the Committee had gone thro' the said Bill, and made several Amendments thereto, which were read in their Places and agreed to by the House.

Ordered,
That the said Bill as amended be engrossed.

Mr. Secretary, by order of the Governor, laid before the House three Affidavits relating to the Rioters, which were read and referr'd to the Committee on the Governor's Speech.

Dr. Johnston laid before the House a Letter, said to be the Copy of a Letter from Amos Roberts to Hendrick Hogland, which was read, and referr'd to the said Committee.

The House resuming the Consideration of the Line between the Counties of Somerset and Morris,

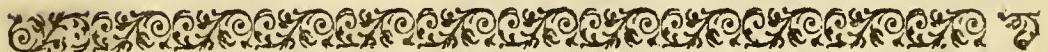
Ordered,

That Mr. Fisher, Mr. Mott, and Mr. Emley have leave to bring in a Bill to ascertain the same.

The House adjourn'd till to-morrow Morning nine o'Clock.

Saturday, February 25. 1748-9,

The House met, and adjourn'd till Monday Morning nine o'Clock.



BY Virtue of an Order of the House, I do appoint William Bradford of Philadelphia, to print these Votes.

SAMUEL NEVILL, Speaker.





V O T E S

O F T H E

General ASSEMBLY

Monday, February 27. 1748-9.

The House met.

WILLIAM COOKE, Esq; attending, was qualified in the House, before Mr. Speaker, William Hancock, and James Smith, Esqrs. and took his Seat in the House accordingly.

Mr. Fisher from the Committee appointed to bring in a Bill *to ascertain the Line and Bounds between the Counties of Somerset and Morris*, brought in a Bill to ascertain the same, which was read and ordered a second Reading.

The House resolved itself into a Committee of the whole House to further consider the Governor's Speech: After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some further Progress in the Matter to them referr'd; and desired leave to sit again: To which the House agreed.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, February 28. 1748-9.

The House met.

The Bill entitled, *An Act to ascertain the Line and Bounds between the Counties of Somerset and Morris*, was read a second Time, and several Amendments made thereto, and Order'd to be engross'd.

The Engrossed Bill entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony*, was read and compared, and on the Question,

D

Resolved

Resolved, nemine Contradicente,
That the said Bill do pass.

Ordered,

That Mr. Fisher and Mr. Leaming do carry the same to the Council for their Concurrence.

The House adjourn'd to two o'Clock P. M.

The House met.

The Engrossed Bill entitled, *An Act to ascertain the Line and Bounds between the Counties of Somerset and Morris*, was read and compared, and on the Question,

Resolved, nemine Contradicente,

That the said Bill do pass.

Ordered,

That Mr. Fisher and Mr. Leaming do carry the same to the Council for their Concurrence.

The House resolved itself into a Committee of the whole House to further consider the Governor's Speech: After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some further Progress in the Matter to them referr'd, and desired leave to sit again: To which the House agreed.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, March 1. 1748-9.

The House met.

Mr. Fisher reported, that Mr. Leaming and himself, deliver'd the Bills with them intrusted, to Mr. Smith one of the Gentlemen of the Council, the Council not sitting.

A Petition from Peter Schmuck was presented to the House, setting forth, that he was born under the Allegiance of the French King, and praying to be naturalized; which was read, and a Certificate being produc'd to the House of his being qualified according to the Laws of this Province,

Ordered,

That he have leave to bring in a Bill according to the Prayer of his Petition.

The House resolved itself into a Committee of the whole House, to further consider the Governor's Speech: After some time spent therein, Mr. Speaker resum'd the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some further Progress in the Matter to them referr'd, and desired leave to sit again: To which the House agreed.

The House adjourn'd to two o'Clock, P. M.

The

The House met.

It appearing to the House that the *Militia Act* will expire at the End of this Session.

Ordered,

That a Bill be brought in for reviving the same.

The Petition from the Committee of the Trustees of the College of New-Jersey, was read the second Time, and on the Question whether the same be referred to further Consideration, or now ordered to lie on the Table? It was carried as follows,

For further Consideration,

Dr. Johnston,
John Wetherill,
James Smith,
Robert Lawrence,
John Crane,
Joseph Camp,
Hendrick Fisher,
Aaron Leaming,
Jacob Spicer,
William Mott,

For ordering it to lie on the Table.

John Eatton,
Derick Dey,
Richard Smith,
Daniel Smith,
William Cooke,
Joshua Bispham,
Joseph Cooper,
William Hancock,
John Brick,
John Emley,

The Numbers being equal, Mr. Speaker gave his Vote for further Consideration.

Ordered,

That the said Petition be referr'd to further Consideration.

A Petition was presented to the House from the Inhabitants of the City of Burlington, setting forth, that they lie under some considerable disadvantage for want of a suitable Act to repair the publick Roads, Bridges and the Wharf belonging to the said City, and praying the House would grant such Relief therein as shall be thought the most equitable, and most for the general good of the Inhabitants aforesaid; which was read and order'd a second Reading.

Mr. Spicer, by order of the House, brought in a Bill, entitled, *An Act to continue an Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions and suppressing Insurrections and Rebellions*, which was read and ordered a second Reading.

The House resolved itself into a Committee of the whole House to further consider the Governor's Speech: After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some further Progress in the Matter to them referr'd, and desired leave to sit again: To which the House agreed.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday,

Thursday, March 2. 1748-9.

The House met.

The Bill entitled, *An Act to further continue An Act entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions and suppressing Insurrections and Rebellions,* was read the second Time, and several Amendments made thereto in the House, and ordered to be engrossed.

The House resolved itself into a Committee of the whole House to further consider the Governor's Speech: After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooper, Chairman, reported, that the Committee had made some further Progrets in the Matter to them referr'd, and desired leave to sit again: To which the House agreed.

The House adjourn'd till 2 P. M.

The House met.

The engrossed Bill, entitled, *An Act to further continue an Act, entitled, An Act for better settling and regulating the Militia, &c.* was read and compared, and on the Question,

Resolved,

That the same do pass.

Ordered,

That Mr. Spicer and Mr. Wetherill do carry the said Bill to the Council for their Concurrence.

A Petition was presented to the House from Philip Marot and Peter Bruier, setting forth, that they were born under the Allegiance of foreign Powers in Amity with Great-Britain, and praying to be inserted in the Naturalization Bill; and also two Certificates being produc'd to the House, that each of them have taken the proper Qualifications,

Ordered,

That their Names be inserted in the said Bill.

Mr. Spicer reported, that Mr. Wetherill and himself delivered the Bill with them intrusted, to Mr. Smith one of the Gentlemen of the Council.

The House resolved itself into a Committee of the whole House, to further consider the Governor's Speech: After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooper, Chairman, reported, That the Committee had gone through the Matter to them referred, and had come to a Resolution, that an humble Addrets be presented to His Excellency in Answer to his Speech. To which the House agreed.

Ordered,

That Mr. Eatton, Mr. Lawrence, Mr. Cooke, Mr. Spicer, and Mr. Crane, be a Committee to prepare a Draught of said Address.

Ordered,

Ordered,

That the Clerk of the Supream Court do lay the Lists of the Persons Indicted or Recorded for the late Disorders in this Colony, before this House To-morrow, and that the Clerk do serve him with a Copy of this Order.

The House adjourn'd till 9 o'Clock To-morrow Morning.

Friday, March 3, 1748-9.

The House met.

Mr. Emley, according to leave, brought in a Bill, entitled, *An Act for naturalizing Peter Schmuck, Philip Marot and Peter Bruier*, which was read, and ordered a second Reading.

The Clerk of the Supream Court attending was called in, and acquainted the House, that as Clerk of the Supream Court it was not in his Power to comply with the Order of the House of yesterday; but as Clerk of the Council, he had upon searching, found a List of the Persons indicted or recorded for the late Disorders in the Colony, which he supposed this House might have by applying to the Council.

The House adjourn'd till Two P. M.

The House met.

The Bill entitled, *An Act for naturalizing Peter Schmuck, Philip Marot, and Peter Bruier*, was read the second Time, and committed to Mr. Lawrence and Mr. Leaming.

Mr. Eatton from the Committee appointed to draw a Draught of an Address to His Excellency, reported, that they had prepared one accordingly, which he delivered in; and the same was read, and ordered a second Reading.

The House adjourn'd till To-morrow Morning nine o'Clock.

Saturday, March 4, 1748-9.

The House met.

Mr. Lawrence from the Committee, to whom the Bill, entitled *An Act for naturalizing Peter Schmuck, Philip Marot and Peter Bruier*, was committed, reported the same with one Amendment, which was read in its Place, and agreed to by the House.

Ordered,

That the said Bill as amended be engrossed.

E

The

The Petition from the Inhabitants of the City of *Burlington*, was read the second Time.

Ordered,

That the Members of the said City have leave to bring in a Bill according to the Prayer of the said Petition. Upon which the said Members produced a Bill, entitled *An Act for the better repairing and amending the publick High-ways, Roads, Streets, Wharf, and Bridges within the Town of Burlington*. Which was read, and ordered a second Reading.

The Draught of an Address to His Excellency was read the second Time according to order, and some Amendments made thereto in the House. On the Question whether the said Draught be agreed to, or not? It was carried in the Affirmative.

Yeaſ.	Yeas.	Nayſ.
John Wetherill,	Derick Dey,	Dr. Johnston,
John Eatton,	William Cooke,	James Smith,
Robert Lawrence,	John Brick,	Richard Smith,
John Crane,	Jacob Spicer,	Daniel Smith,
Joseph. Camp,	William Mot,	Joshua Bispham,
Hendrick Fisher,	John Emley,	Joseph Cooper,
		James Hinksman,
		William Hancock.

Mr. Speaker desired his dissent to the said Draught of an Address might be enter'd on the Minutes.

Ordered,

That the laid Address as amended be engrossed.

- Dr. Johnston had leave to be absent a few Days on extraordinary Occasions.

Mr. Kemble brought from the Council the Bill entitled, *An Act to ascertain the Line and Bounds between the Counties of Somerset and Morris*, together with an Amendment made thereto by the Council, which was read in its place, and agreed to by the House.

Ordered,

That the said Bill, with the said Amendment, be Engrossed.

Mr. James Smith had leave to be absent till Tuesday Morning next on extraordinary Occasions.

Mr. Hancock had leave to be absent on extraordinary Occasions till Wednesday Morning next.

The House adjourn'd till Monday Morning nine o'Clock.

BY Virtue of an Order of the House I do appoint William Bradford of Philadelphia to print these Votes.

SAMUEL NEVILL, Speaker.

(17)

V O T E S

O F T H E

General ASSEMBLY

Monday, March 6. 1748-9.

THE engross'd Address to His Excellency was read and compar'd, and sign'd by the *Speaker* by order of the House.

Ordered,

That Mr. *Spicer* and Mr. *Wetherill* do wait on His Excellency to be informed when he will be waited upon with the said Address.

A Petition from the Freeholders and Inhabitants of the Township of *Nottingham*, was presented to the House, setting forth, that the building a Bridge over *Croftweeks-Creek* would be inconvenient to them, unless the same be built a Draw or Swinging-Bridge, and a great Burthen if it is made a publick Charge ; which was read and order'd a second Reading.

The Bill engross'd with the Council's Amendment, entitled, *An Act to ascertain the Line and Bounds between the Counties of Somerset and Morris*, was read and compar'd, and on the Question,

Resolved,

That the same do pass.

Ordered,

That Mr. *Crane* and Mr. *Bispham* do carry the said Bill to the Council.

Mr. *Spicer* reported, that Mr. *Wetherill* and himself had waited upon His Excellency with the Message of the House, who was pleased to say, he would be waited on with the Address at His own Houte to-morrow at three o'Clock in the Afternoon.

The Engross'd Bill entitled, *An Act for naturalizing Peter Schmuck, F Philip*

Philip Marot and Peter Bruier, was read and compar'd, and on the Question,

Resolved,

That the same do pass.

Ordered,

That Mr. Crane and Mr. Bispham do carry the said Bill to the Council for Concurrence.

The Bill entitled, *An Act for the better repairing and amending the publick Highways, Roads, Streets, Wharf and Bridges within the Town of Burlington,* was read the second Time, and committed to Mr. Daniel Smith, Mr. Cooke and Mr. Bispham.

Mr. Crane reported, that Mr. Bispham and himself delivered the Bills with them intrusted, to Mr. Smith one of the Gentlemen of the Council, the Council not sitting.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, March 7: 1748-9.

The House met.

Ordered,

That Mr. Spicer and Mr. Wetherill do wait on the Council and acquaint them, that this House desires to be informed what Progress that House have made in the Quota Bill, and the Bill for continuing the Militia A&t.

A Petition from Eight of the Inhabitants of the Townships of Chesterfield and Nottingham, was presented to the House, setting forth, that they think the Bridge propos'd over Cresweaks Creek will be injurious to many of the Inhabitants, and therefore crave the House will suspend a Determination on that Affair until the Inconveniences be made appear; which was read and ordered a second Reading:

Ordered,

That Mr. Wetherill, Mr. Lawrence, Mr. Crane, Mr. Fisher, Mr. Dey, Mr. Cooke, Mr. Cooper, Mr. Brick, Mr. Spicer, and Mr. Emley, be a Committee to prepare and bring in a Bill at the next Session of General Assembly, *the better to prevent the Mischiefs attending the Practice of hunting and watching for Deer, and for the better Preservation of Deer in General, as well those in Parks, and other Enclosures, as those that run at large;* and also to consider of some proper Method for the better Prevention of Sheep being killed by Dogs.

Mr. Spicer reported, that Mr. Wetherill and himself, delivered the Message of the House of this Day to Mr. Alexander in Council.

The House adjourn'd till 2 P. M.

The

The House met.

A Message from His Excellency by Mr. Secretary, informing the House, that He will be waited on with the Address at four o'Clock this Afternoon in the Council Chamber.

Mr. Speaker informed the House, that after the House adjourn'd to day, he had received from the Council a Message by Mr. Leonard, to acquaint the House, that the Bill for settling the Quotas, and the Bill for continuing the Militia Act, had been twice read, and were committed, and that the Committees had them then under Consideration.

A Message from the Council by Mr. A. Johnston, acquainting the House that the Council have passed the Bill, entitled, *An Act to continue An Act, for better settling and regulating the Militia of this Colony, &c.*

A Message from His Excellency, by Mr. Secretary Read.

Mr. Speaker,

I am commanded by His Excellency to acquaint the House, that he is in the Council Chamber, ready to receive the Address of the House.

Whereupon Mr. Speaker left the Chair, and with the House went to wait on His Excellency; being returned Mr. Speaker resum'd the Chair and reported, that the House had delivered the Address to His Excellency in the Words following.

To His Excellency JONATHAN BELCHER, Esq; Captain General and Governor in Chief in and over His Majesty's Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same, &c.

May it please Your Excellency,

WE His Majesty's dutiful and loyal Subjects the Representatives of the Colony of New-Jersey, in General Assembly convened, beg leave to assure Your Excellency, that We are heartily concern'd Your repeated Endeavours with the Council and late Assembly, to fall into some effectual Measures for putting an End to the Confusions and Disorders which You found the Colony in at Your Arrival, should prove so ineffectual through a Combination of audacious Rioters, yet continuing in their wonted Obstinacy, notwithstanding the Steps hitherto taken by the whole Legislature to bring them into a loyal and dutiful Behaviour to the KING, and to the Laws of this Government: However by the best Intelligence We have as yet receiyed, We are informed that those Offenders in the Township of Maidenhead, in the County of Hunterdon, who have had One Month's Notice who the Persons were that Your Excellency was pleas'd to appoint to take the Oaths and Qualifications of those People, according to the Conditions of His Majesty's Pardon that You was pleas'd to extend, have generally, if not wholly, taken the Benefit thereof: But We are

are sorry We have not receiv'd the like Information from the County of *Essex*, where those unhappy People are more numerous, and where We understand they had no longer Notice of the Time and Place that Your Excellency's Commissioners appointed them to accept the Benefit of that Act, than from *Sunday* to the next *Wednesday* following, on which Day the Time of their accepting His Majesty's said Pardon expired, and in which short Time We understand Fourteen of them comply'd therewith, from whence it's rational to infer, that had they had the like Notice for one half the Time intended by Your Excellency in the said Act, a much larger Number, if not all, of them might have submitted themselves to their Duty: And as We are a new Choice of the People from thence, Your Excellency may in some Measure be able to judge how far they have approv'd of the Conduct of the late Assembly, and We are now well satisfied of their Opinion touching this unhappy Affair concerning the Rioters; and We hope on Our Part to give no just Cause to prevent a Harmony from subsisting between Us and the Gentlemen of His Majesty's Council, and shall firmly endeavour to avoid any unhappy Feuds and Animosities among Ourselves.

We are sorry the unhappy Circumstances of the Colony should have given Your Excellency the Trouble of calling Us at this difficult Season, as also the former Assembly's so frequently heretofore, which has been attended with such great Expence to the Publick, and so injurious to the Member's private Affairs; however, We shall endeavour to fall upon such Measures as shall appear to Us most conducive to put an End to the Disorders of this Colony, which has been the Subject of Our present Meeting.

We assure Your Excellency We have a most tender Regard to Our Constituents, and are sincerely dispos'd to maintain His Majesty's gracious Government over Us, which by the most solemn Ties we are bound to do, but at the same Time We must beg leave to inform Your Excellency, that the present Circumstances of the Colony will not admit this House to raise Money for guarding the Goals; nevertheless We hope some Expedient less difficult and more effectual may be fallen upon to bring these People to their Obedience; the House however would not be understood to discourage the Officers from putting the Laws now in being, in execution against both them and the Counterfeitors of Money, whose evil Practices are productive of many very pernicious Effects.

We shall consider whether any further Laws may be needful to curb those disorderly People; and if upon due Consideration We find them necessary, We shall then give all convenient Dispatch thereto.

If ever this unhappy Affair of the Rioters should be drove to such extraordinary Lengths, as to render it necessary for Your Excellency to represent it to His Majesty, We hope You will please to do it with the greatest Caution and Impartiality, and with the tenderest Regard to the Security and Peace of His Majesty's loyal Subjects in this Colony; and for

for preventing as much as possible, the Innocent from suffering with the Guilty in the laid unhappy Affair (which is principally owing to private Controversies about Titles of Land) We humbly pray Your Excellency will be pleas'd to open the Case fully to His Majesty, by pointing out to him the Names of the principal Claimers of those Lands in Dispute, with their Claims, and what Posts they fill in the Government, on the one side, and also the Names of the principal Promoters of the Riots and Disorders with their Claims, and what Reasons they pretend to have for not coming to Trial, on the other side, from whence His Majesty may be enabled to judge of the Cause that has produc'd those unhappy Effects, which when removed will consequently restore Peace and Tranquility to the Colony.

Those of the People called
Quakers who agree to the
above Address, make their
usual Exception to the Stile. }

SAMUEL NEVILL, Speaker.

To which His Excellency was pleas'd to reply.

" Gentlemen,
" I shall consider your Address, and send you an Answer."

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, March 8, 1748-9.

The House met.

A Petition was presented to the House from *Mattbew Watson*, setting forth, that he should never have been at the extraordinary Expence in erecting the Ferry over *Crofweek's-Creek*, by his House, if it had not been for the Prospect of being repaid as the Country increas'd; that, he has never yet been repaid, and therefore for that and other Reasons, prays to be indulg'd with the Continuance of said Ferry; which was read, and ordered a second Reading.

On a Motion made, it is Ordered, That Mr. R. Smith, Mr. D. Smith, Mr. J. Smith, Mr. Hinksman, Mr. Leaming, and Mr. Dey, be a Committee to prepare and bring in a Bill at the next Session of General Assembly, *the more effectually to prevent for the future, the Immoralities and Prophaneness consequent upon Tipling-Houses, and other private Places of Entertainment, being suffered in this Province, whereby Servants and Negroes, and other idle and disorderly People corrupt themselves, and one another, to the Prejudice of Religion, and a publick Detriment to the Inhabitants of this Province.*

Mr. Cooke from the Committee, to whom the Bill was committed, entitled, *An Act for the better repairing and amending the publick Highways, &c. in the Town of Burlington*, reported the same with one Amendment, which was read in its Place, and some Amendments being also made in the House, the said Bill as amended was agreed to, and ordered to be engrol'd.

The Houte adjourn'd to two o'Clock P. M.

G

The

The House met.

Mr. John Van Middleworth attending, was qualified in the House before Mr. Speaker; Robert Lawrence, James Smith, and Jacob Spicer, Esqrs. and took his Seat in the House accordingly.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, March 9. 1748-9.

The House met.

The engrossed Bill, entitled, *An Act for the better repairing and amending the publick Highways, Roads, Streets, Wharf and Bridges within the Town of Burlington*, was read and compared, and on the Question.

Resolved,

That the same do pass.

Ordered,

That Mr. D. Smith and Mr. Bispham do carry the said Bill to the Council for Concurrence.

The House adjourn'd till Two P. M.

The House met.

Mr. Speaker informed the House, that after the House had adjourn'd Today he received a Message from the Council by Mr. Smith, to acquaint the House, that the Council have this Day passed the Bill, entitled, *An Act for naturalizing Peter Schmuck, Philip Marot, and Peter Bruier*.

Mr. D. Smith reported, that Mr. Bispham and himself delivered the Bill with them entrusted, to the Speaker in Council.

Two Petitions were presented to the House, one from the Inhabitants of Gloucester-County, and the other from the Inhabitants of Salem-County, setting forth the Hardships they have long been oblig'd to undergo, for want of a Bridge over New-town-Creek, and praying for an Act to empower them to build one there; which was read, and ordered a second Reading.

A Petition was presented to the House from the Inhabitants of the Township of Greenwich, in the County of Gloucester, setting forth, that they suppose their Township is as big as two common Townships, which causes them much Difficulty, and therefore they pray the same may be divided; which was read, and ordered a second Reading.

A Petition was presented to the House, from the Inhabitants of the Townships of Greenwich and Deptford, in the County of Gloucester, setting forth, that in the said Townships are two large Bridges that have hitherto been

been maintain'd at the particular Expence of the Inhabitants of the said Townships; and that as the Charge thereof is equal to that of repairing the Bridge over *Great-Timber-Creek*, which is kept in Repair by a general Tax upon the said County. They pray that an Act may be paſſed to make the Expence of repairing the two Bridges aforesaid a County-Tax likewife; which was read, and ordered a second Reading.

The House adjourn'd till To-morrow Morning nine o'Clock.

Friday, March 10, 1748-9.

The House met.

The ſundry Petition for, and againſt the Bridge over *Croſſweek's-Creek*, by *Matthew Watson's*, were read the ſecond Time, and the Consideration of them referred to the next Sitting of General Assembly.

The two Petitions from the Inhabitants of *Glouceſter* and *Salem*, praying for a Bridge over *New-town Creek*, and the Petition from the Inhabitants of *Greenwich*, praying the ſaid Township may be diuided; and the Petition from the Inhabitants of the Townships of *Greenwich* and *Deptford*, praying the two Bridges they maintain, may be made a County-Charge, were all read the ſecond Time, and the Consideration of them referred to the next Sitting of General Assembly.

Ordered,

That the Clerk do ſerve any Person applying for a Copy of either of the above Petitions, with a Copy thereof, they paying for the fame: And there being a Draught of the Road propos'd over *New-town-Creek*, laid before the House, *Ordered*, That any Person have a Copy thereof, paying as aforesaid.

Mr. Fisher had leave to be abſent till *Tuesday* next on extraordinary Occasions.

The House adjourn'd till Two P. M.

The House met and adjourn'd till to-morrow Morning nine o'Clock.

Saturday, March 11, 1748-9.

The House met.

Mr. Cooper had leave to be abſent till *Tuesday* Morning next.

The House adjourn'd till *Monday* Morning nine o'Clock.

BY Virtue of an Order of the House I do appoint *William Bradford* of *Philadelphia* to print these Votes.

SAMUEL NEVILL, Speaker.



V O T E S

O F T H E

General ASSEMBLY

Monday, March 13. 1748-9.

The House met.

MR. Lawrence Van Buskirk attending was qualified in the House before Mr. Speaker, Robert Lawrence, James Smith, and Jacob Spicer, Esqrs. and took his Seat in the House accordingly.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, March 14. 1748-9.

The House met, and adjourn'd till Two P. M.

The House met.

Mr. Smith brought from the Council the Bill entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony*, with one Amendment made thereto by that House, which was read in its Place, and on the Question whether the same be agreed to or not? It was carried in the Negative.

Resolved, nemine Contradicente,
That this House doth reject the said Amendment, and adhere to the Bill.

Ordered,
That Mr. Lawrence and Mr. Hancock do carry the said Bill, together with the Amendment, back to the Council, and acquaint them with the Resolution of this House thereupon.

Mr. Smith also acquainted the House, that the Council have this Day
H passed

passed the Bill entitled, *An Act for the better repairing the publick Highways, Roads, Streets, Wharf and Bridges in the City of Burlington.*

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, March 15. 1748-9.

The House met, and adjourn'd till two o'Clock P. M.

The House met.

Mr. Lawrence reported, that Mr. Hancock and himself delivered the Bill, entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony,* together with the Message of this House relating thereto, to the Speaker of the Council, in the Council Chamber.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, March 16. 1748-9.

The House met.

A Petition was presented to the House from sundry Persons subscribing their Names thereto, setting forth, the Inconveniencies attending the Practice of killing of Deer in crusts of Snow, and praying the same may be prevented; which was read and referr'd to the Committee appointed to bring in a Bill for the Preservation of Deer, at the next Session of General Assembly.

A Message from the Council by Mr. Smith in the Words following.

“ This House taking into Consideration the Message from the House of Assembly, delivered this Morning by Mr. Lawrence and Mr. Hancock in Relation to the Amendment made to the Quota Bill in these Words.

“ Whereas by the Royal Instructions to His Excellency the Governor “ He is directed in these Words,

“ Provided Always, that You do not consent to any Act or Acts to lay “ any Tax upon unprofitable Lands.

“ It is hereby declared, that Nothing in this Act is meant or intended “ to break in upon the said Instruction, or to warrant the Assessors to put “ any unprofitable Lands into the said List or Account of Things to be “ taxed.”

“ And this House conceiving themselves in Duty bound not to deviate “ from, or pass any Law contradictory to His Majesty's Instructions, are una- “ nimously of Opinion, that they cannot, consistent with the said Instruction, “ pass

' pass the said Bill without that Amendment: Wherefore this House doth
 ' unanimously *Resolve* to adhere to the said Amendment, and do order that
 ' Mr. *Smith* do acquaint the House of Assembly therewith, and request a
 ' Conference on the Subject Matter of the said Amendment; and acquaint
 ' the House of Assembly, that this House have appointed Mr. *Alexander*,
 ' Mr. *Morris* and Mr. *Kemble* a Committee to confer with such Committee
 ' as the House of Assembly shall appoint on the said subject Matter, and
 ' that the said Committees do meet at the House of *John Trapnel* in this City
 ' to-morrow at five o'Clock in the Afternoon.

March 15. 1748.

Which said Message was read and the Consideration thereof referred till
 the Afternoon.

A Petition was presented to the House from about One Hundred and
 Seventy Persons, whose Names are subscribed thereto, styling themselves
His Majesty's Subjects, inhabiting chiefly the northern Parts of this Province;
 setting forth, that some of them have been unadvisedly led to commit dis-
 orderly Riots in Defence of what they suppos'd their just Rights; but are
 now convinc'd that such Practices are illegal and wrong, and by no Means
 to be persisted in, and therefore they pray, that the House will petition His
 Excellency for an *Act of Grace*, on the mildest Terms possible, it being
 (they add) the utmost they desire that the Titles to the Lands in Dispute
 may be decided by a fair Tryal before disinterested Judges; which was read,
 and ordered a second Reading.

The House adjourn'd till Two P. M.

The House met.

A Message from His Excellency by Mr. Secretary Read.

Mr. Speaker,

I am commanded by His Excellency to acquaint this House, that he re-
 quires their Attendance in the Council Chamber immediately.

Whereupon Mr. *Speaker* left the Chair, and with the House went to wait
 on His Excellency; being return'd, Mr. *Speaker* resum'd the Chair, and re-
 ported, That His Excellency had been pleas'd to make an Answer to the
 Address of this House, of which Mr. *Speaker* said he had obtained a Copy,
 which was read, and is as follows:

Gentlemen of the General Assembly,

WHAT You delivered to Me a few Days ago, in Answer (on
 Your Part) to My Speech made to His Majesty's Council, and to
 You at the Opening of this Session, being lengthy and on various Heads,
 has made it necessary for Me to consider it in the best Manner I could:
 And in my Reply I am sorry to say, You have not confin'd Yourselves
 to the Subject-Matter of My Speech, wherein I told You the Reason of
 My

' My calling You together at this Time, was upon the distress'd State of the
 ' Province with respect to the Rioters, and their breaking the KING's Goals:
 ' But as You have gone into other Matters, it may be proper for Me to set
 ' You right, in such Things wherein I may imagine You to be mistaken;
 ' but I would first of all say to You once more, what I think needful on
 ' the special Business of this Session, which is, to make ample Provision for
 ' the Security of the KING's Goals, and to bring forward such further Laws
 ' as may effectually suppress the present Spirit of Sedition, and of vile Com-
 ' binations, to overthrow the KING's rightful Government, over this Pro-
 ' vince; and this Spirit began many Years before My Arrival among You,
 ' and by the Neglect of former Assemby's is got to the desperate Height
 ' which all true lovers of Peace and good Order, behold with Abhorrence.
 ' To tell Me, Gentlemen, that " the present Circumstances of the Colony
 ' will not admit this Houfe to raise Money for guarding the Goals," if I
 ' can guess at Your Meaning, it must be that the People are not able to
 ' bear the Charge, but sure this is to say nothing at all, for when this Pro-
 ' vince was hardly a fourth Part so big as it is now, I think, You will find,
 ' on Enquiry, they gave for Support of one Part of the Government only,
 ' near *Three Thousand Pounds* a Year of the present Currency. Unless the
 ' Goals can be secured for the just Confinement of all Transgessors of the
 ' Law, there must be an End of all Law and Justice in this Province.----
 ' Again, if the Circumstances of the Province will not admit the raising of
 ' Money to guard the Goals, but that Villians may commit Theft, Murder,
 ' and Treason, and make this Colony a Stage of all Sorts of Wickedness,
 ' and at the same Time, enjoy their perfect Freedom and Liberty, I believe
 ' You will think with Me, that it is high Time to implore His Majesty's Pro-
 ' tection of those that are his loyal and dutiful Subjects, and to prevent the
 ' total Defection of Numbers of others who seem at present to be withdraw-
 ' ing their Duty and Allegiance from His most sacred Majesty.---If You
 ' would argue from the Choice made of this Assembly, that the People in
 ' general approve the Conduct of the late Assembly, who would not go into
 ' Measures for thoroughly extirpating the Spirit of Rioting, I am afraid this
 ' will be thought branding Yourselves and Your Constituents as Abbettors of the
 ' Rioters: And really Gentlemen, if nothing be done by You at this Time for
 ' reducing these People to their Obedience to the KING's Government, will
 ' not the House of General Assembly be too justly thought Accessaries with
 ' the Rioters; for our Saviour told his Disciples, *He that is not against us,*
is on our Part. Let Me then, Gentlemen, expostulate with You, as You
 ' value the Peace and good Order, and the real Welfare of Your Country,
 ' to do, what is much in Your Power, for saving this People from still
 ' greater Difficulties, if You should neglect Your Duty at this critical
 ' Juncture: But if You will not let me prevail with You, You and this
 ' People, I fear, will too late repent Your bringing Me under a Necessity of
 ' doing My Duty, by representting to His Majesty without Delay, the pre-
 ' sent deplorable State of this His Province of *Nova Cæsarea* or *New-Jersey*:
 ' And I believe, You will readily agree with Me, that the King will then
 ' in His Royal Wisdom, take such Steps as shall effectually prevent a wild
 ' Herd of Rioters, from severing this People and Government from their
 ' Allegiance and Duty to the imperial Crown of *Great-Britain*, for such
 ' must

must be the Consequence of their present Machinations, and wicked Proceedings.—History will tell You what were and still are the terrible Effects of such Insurrections in a Neighbouring Colony. And as I dare no longer refrain laying this Matter before the KING, You may depend I shall do it by stating Matters of Fact, and them sufficiently vouch'd and supported by Your own Journals, as well as other good Evidence. And where the heavy Load of Charge and Tax in order to cut off the Head of this *Hydra*, may fall, I am not able to say; but in such Cases the Innocent often suffer with the Guilty.

‘ Gentlemen,

‘ At My Arrival in this Province, I found the General Assembly under an Adjournment to 20th August, 1747, when I met them, and in a few Days, at their own Desire, I adjourn'd them on to such Time as best suited their own Convenience for coming together, and then they sat their own Time, and till they desired to rise; and when Your Act for *Support of Government*, expired, I was then obliged to call them again, and then I did not oblige them to come together, till it best accommodated their private Affairs.—And Your coming together at this Time is occasioned from the present distracted State of this unhappy Province. And having said these Things, I cannot but observe to You, That I am surprized at those Words in Your Address, “ as also the former Assemblies so frequently heretofore, which has been attended with such great Expence to the Publick, and so injurious to the Member's private Affairs.” I say, Gentlemen, to couch such Expressions in an Address to Me, with meaning to apply them to Me, is indecent, and a gross Misrepresentation; because You well know I treated the late Assembly (the only one except this that I have had to do with) with Reason, Temper, and Kindness, not only in passing all their Acts, but also in Writing to the KING's Ministers, that they might obtain the Royal Approbation. What You mention of the Disputes about the Claims and Titles of Lands, is what the KING's Governor has nothing to do with; the Law must have its Course: Yet if You Gentlemen of the Assembly, are inclined to favour these obstinate People, by raising a large Sum of Money (for such perhaps it will require) to fee Council learned in the Law, and to take out the voluminous Copies of Law-Suits, on this Account, and to transmit them to Great-Britain, I don't know that I shall have any Thing against it. Gentlemen, as I said to the late Assembly, so I now do to You, that I have not a Claim to an Acre of Land in this Province, nor have any private or sinister Ends to pursue among You, but am determined, according to My best Understanding, to the utmost of My Power, to do My Duty to the KING, in the Support of His just Honour and Authority, and in seeking the Welfare and Happiness of His good People of this Province, committed to My Care’.

Burlington, March 16, 1748-9.

J. BELCHER.

The House taking into Consideration the Message of the Council of this Day.

Ordered,

That Mr. *Spicer* and Mr. *Fisher* do wait on the Council and acquaint them, that this House having deliberately consider'd their Message of this Day, are of Opinion, that notwithstanding the Motives this House acted upon in refusing their Amendment to the Bill to enable the Legislature to settle the Quota's, are in themselves sufficiently just and reasonable, yet as the Council seem to look upon them in another Light, we esteem it necessary to declare, that the Bill, as passed by this House, is not only conformable to former Laws of this Province, but in the Part propos'd to be amended is fully and clearly express'd. And that the Royal Instruction, as related in the Council's Message, doth not (as we conceive) at all clash or interfere with the Words used by this House in the said Bill; which Words, amongst other Things, in declaring what may hereafter be made taxable, are as follows. "The whole of all profitable Tracts of Land, held by Patent, Deed, or Survey, whereon any Improvement is made." As the natural and obvious import of these Words, as they stand in the Bill, is only to enable the Legislature hereafter to know the quantity of profitable Tracts of Land whereon Improvement is made. And as the Royal Instruction forbids the Governor to give his Consent to tax unprofitable Lands;----that is, the taxing profitable Lands only,----And the not taxing unprofitable Lands,----seems in no respect inconsistent with each other, we are at a loss to account for the different Sentiments upon this Matter, or why the Council should "Unanimously be of Opinion that they cannot, consistent with the said Instruction, pass the said Bill without their Amendment," especially as there appears such a necessity of the said Bill at this time to support Government, and discharge the Debts of the Province, and which is the third of the Kind passed by this and the last Assembly within Fifteen Months past. And besides that Experience proves it to be Clear from any ill Coniequences. The allowing the Governor to have been the proper Judge of His own Instructions in this Matter, could have been of no great Disadvantage, as the Alteration propos'd differs but little as to Matter of Substance, at least in the Opinion of this House; who notwithstanding, cannot but set too just a Value upon the natural Rights and Priviledges invested in the Representative Body of this Province, than to consent to any Alteration in a Bill which so nearly affects the Priviledges of the People we represent; in which we hope to be excused by the Gentlemen of the Council, however fond they may be of making the Thing in Dispute of as much Consequence as actually laying a tax. This House however upon the whole, do unanimously refuse to confer upon a Subject that is really laying a Foundation for it.

March 16. 1748-9

Mr. *Spicer* reported, that Mr. *Fisher* and himself delivered the Message of the House to the Speaker in Council.

A Petition was presented to the House from sundry of the Inhabitants of the Counties of *Hunterdon* and *Burlington*, praying for an Act to prevent the Inconveniencies arising from the want of Mortgages being Recorded; which was read and ordered a second Reading.

Mr.

Mr. *Cooper* had leave to be absent till *Monday* next.

The House adjourn'd till To-morrow Morning nine o'Clock.

Friday, March 17, 1748-9.

The House met.

The Petition from the Inhabitants chiefly of the *Northern* Parts of this Province, was read the second Time, and referr'd to further Consideration.

The Petition praying to have Mortgages Recorded, was read the second Time, and referr'd to the Consideration of the next setting of General Assembly.

Mr. *Brick* had leave to be absent till *Thursday* next.

The House adjourn'd till 2 P. M.

The House met, and adjourn'd till to-morrow Morning nine o'Clock.

Saturday, March 18, 1748-9.

The House met.

John Cundie&t and Nathaniel Camp attending Yesterday, desired to lay before the House a Paper containing certain Proposals, which they said they had delivered to Mr. *Alexander* and Mr. *Chief Justice*, which Paper being read, is as follows.

' We the Subscribers being fully empowered to make an Offer for a fair Tryal, by the Majority of the People that claim Lands by Purchase from the Indians, before or in the Year One Thousand Seven Hundred and three, now are ready and willing, as the said People always have been, to try the Title of the said Lands, Provided, the poor People are not oppress'd with Multitudes of Suits; to avoid which, we, in their behalf, offer to have one or two Tryals at first on the Indian Purchase on *Horsneck* Lands, with Mr. *Chief Justice* and Mr. *Alexander*, both Gentlemen of His Majesty's Council, and Claimers against said Indian Purchase; and we will give good Security in a very short time, that said Tryal or Tryals shall be decisive to all the People holding under the said Titles; if Judgment be given against the Defendant or Defendants, and also that the full Cost of said Suit or Suits shall be paid upon the Conditions following, viz.

' *First;* That said Tryal or Tryals shall be by a struck Jury.

' *Secondly;* That said Tryal or Tryals be before such Disinterested Gentlemen as His Excellency our Governor shall please to appoint to be Judges in these particular Tryals.

Thirdly,

' Thirdly, That upon a special Verdict found by the Jury, Demurrer to Evidence, or upon a Bill of Exceptions against the Evidences, either Party may remove the said Cause or Causes before His Majesty in Council.

' Which Proposals if agreed to by said Gentlemen, we do Promise and oblige ourselves to meet them at *Amboy* in any convenient Time that they please to appoint, to enter into the abovesaid Agreement, and give them the Security aforesaid. As Witness our Hands this *seventeenth Day of March, Ann. Domini, One Thousand seven Hundred and Forty Eight.*

Testis

Jonathan Thomas.

Jonathan Lovet.

John Cundieſt,
Nathaniel Camp.

To which said Paper Mr. *Crane* now desired to lay before the House the following Answer.

' There are several Things in the Paper delivered by you to us this Afternoon that we do not admit to be true; but as we are now at a Distance from the Gentlemen of the Law that are concern'd for us; we hope to see you, and the Powers you say you have, at the next Supream Court at *Perth-Amboy*, where we expect to meet our Council, and with their Advice, give an Answer to your Proposals, so far as they relate to us.

March 17.

1748-9

James Alexander,
Robert H. Morris.

The House resolved itself into a Committee of the whole House to take the unsettled State of the Province into Consideration, and to consult of Ways and Means to restore the Publick Peace. After some time spent therein, Mr. *Speaker* resumed the Chair, and Mr. *R. Smith*, reported, that the Committee had made some Progress in the Matters to them referr'd, and desired leave to sit again. To which the House agreed.

Mr. *Hancock* had leave to be absent till *Thursday* next.

The House adjourn'd till *Monday* Morning nine o'Clock.

BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, *Speaker.*

VOTES

OF THE

General ASSEMBLY

Monday, March 20. 1748-9.

The House met.

THE House resolved itself into a Committee of the whole House, to further consider of Ways and Means to restore the publick Peace: After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. R. Smith, reported, that the Committee had come to a Resolution to Petition the Governor to extend His Majesty's Pardon to the Persons guilty of the late Insurrections, in behalf of the Petitioners to this House on that Occasion, and desired leave to sit again. To both which the House agreed.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, March 21. 1748-9.

The House met.

Ordered,
 That Mr. Lawrence, Mr. Crane, Mr. Camp, Mr. Fisher, Mr. Spicer, and Mr. Wetherill, do wait upon His Excellency and acquaint him, that during the Deliberations of this House, it has been represented to us by a Petition from about One Hundred and Seventy Persons, inhabiting chiefly the Northern Parts of this Colony, that 'some of them have been led unadvisedly to commit disorderly Riots in Defence of what they suppos'd their just Rights, and are now convinc'd that such Practices are illegal and wrong, and by no Means to be persisted in,' for which Reason they humbly pray the House would petition Your Excellency for an *Act of Grace* on the mildest Terms, declaring at the same Time, that 'it is the utmost they desire that the Titles of the Lands in Dispute may be decided by a fair Tryal,

' Tryal before disinterested Judges.' Since which We understand that two Persons on their Behalf, have made a Proposal to two Gentlemen of the opposite Side, for coming to Tryal, which We hope, will be accepted.

Under these Considerations, and because a considerable Number of those deluded People (by what Means We know not) have not had the Time intended them by the late Act of Pardon, for accepting the Benefit thereof, and conceiving, that should their Desires be granted, it would greatly contribute to the restoring the Peace of the Colony; this House doth become Petitioners to Your Excellency, That Your Excellency would be pleas'd once more to extend His Majesty's gracious Pardon, especially to those who were guilty of the late Disorders before the said Pardon was extended, and have behaved themselves peaceably since, upon the Terms they humbly propose in the abovesaid Petition.

The House adjourn'd till Two P. M.

The House met.

Mr. Lawrence reported, that the Gentlemen and himself, appointed to wait on His Excellency with the Message of the House of this Morning, had waited upon His Excellency accordingly, who was pleas'd to say, that He would do all in His Power to restore the Peace of the Colony, in joining with the other Branches of the Legislature in such Measures as they shall think proper for that Purpose.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, March 22. 1748-9.

The House met.

Application having been made yesterday by this House to His Excellency, praying that He would be pleas'd to extend His Majesty's gracious Pardon to the late Rioters; to which His Excellency was pleased to reply 'He would do all in His Power to restore the Peace of the Colony, in joining with the other Branches of the Legislature in such Measures as they thought proper for that Purpose.' Therefore, Ordered, That Mr. Wetherill and Mr. Emley do wait on the Council and acquaint them, that the House has appointed Mr. Lawrence, Mr. Spicer, Mr. Leaming, Mr. Cooke, Mr. Fisher, and Mr. Eatton, to be a Committee to join a Committee of the Council in a free Conference upon the subject Matters above-mentioned, at such Time and Place as that House shall appoint.

The House adjourn'd till Two P. M.

The House met:

Mr. Wetherill reported, That Mr. Emley and himself delivered the Message of the House of this Morning to the Speaker in Council.

A Message from the Council in the following Words.

' This House taking into Consideration the Message of the House of Assembly of this Day, it is *Ordered*, That Mr. *Leonard* do acquaint the House of Assembly, that this House requests a Copy of the Application made yesterday by that House to His Excellency, and His Excellency's Reply thereto, mentioned in their said Message.

Ordered,

That the Clerk do deliver the Council a Copy of the said Application and Reply.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, March 23. 1748-9.

The House met.

A Petition was presented to the House from sundry Subscribers, Inhabitants of *Kingston*, and Places adjacent, complaining of the unreasonableness of the Law relating to Swine trespassing, and praying the Legislature would weigh the Consequences attending it. Which was read and referred to the Consideration of the next Meeting of General Assembly.

A Message from the Council by Mr. *Leonard*, in the Words following.

' The House taking into their Consideration the Message of yesterday from the House of Assembly, by Mr. *Wetherill* and Mr. *Emley*, are of Opinion, that by the Constitution of *England*, all Acts of Mercy must flow from the Crown, and are always granted upon His Majesty's special Grace and mere Motion: That His Majesty has been pleas'd to entrust the Powers of pardoning in this Province (so far as he intended they should be exercis'd) solely with His Excellency the Governor, who is the only Judge when and on what Terms they should be used.

' This House therefore do not conceive it proper to enter into a Conference upon a Matter with which they have not the least Right to intermeddle, and which may come before them in another Capacity should His Excellency think fit to ask their Advice on the Head, as a Council of State.

' As to the other Point in the said Message; this House is willing to join in any effectual Measures, for restoring the Peace of this Province, and to receive any Proposals for that Purpose; to which End they have appointed Mr. *Hude*, Mr. *Coxe*, and Mr. *Johnston*, to be a Committee, to conferr with the Committee of the House of Assembly, to meet at the House of *John Trapnall*, in this City, at Four o'Clock this Afternoon.

Council-Chamber,

March 23. 1748-9.

The House adjourn'd till to-morrow Morning nine o'Clock.

The

Friday, March 24, 1748-9.

The House met, and adjourn'd till two o'Clock P. M.

The House met, and adjourn'd till to-morrow Morning nine o'Clock.

Saturday, March 25, 1749.

The House met:

Mr. James Smith had leave to be absent on extraordinary Occasions.

The House resuming the Consideration of the Governor's Answer to the Address of this House, and a Debate arising thereon, it was put to the Question whether the House should now make a Reply thereto or not, and carried as follows,

For making a Reply,	Not for making a Reply:
<i>John Wetherill,</i>	<i>Derick Dey,</i>
<i>John Eatton,</i>	<i>William Cooke,</i>
<i>Robert Lawrence,</i>	<i>John Brick,</i>
<i>John Crane,</i>	<i>Aaron Leaming.</i>
<i>Joseph Camp,</i>	<i>Jacob Spicer,</i>
<i>John Van Middlesworth,</i>	<i>William Mott,</i>
<i>Hendrick Fisher,</i>	<i>John Emley;</i>
<i>Lawrence Van Buskirk,</i>	

Dr. Johnston had leave to be absent on extraordinary Occasions.

Mr. Cooke, with leave of the House, brought in the Draught of a Reply to His Excellency's Answer, which was read, and sundry Amendments made thereto in the House, and on the Question whether the House agrees to the said Reply or not: It was carried in the Affirmative.

Yea,	Yeas,	Nays.
<i>John Wetherill,</i>	<i>Derick Dey,</i>	<i>Richard Smith,</i>
<i>John Eatton,</i>	<i>William Cooke,</i>	<i>Daniel Smith,</i>
<i>Robert Lawrence,</i>	<i>John Brick,</i>	<i>Joshua Bispham,</i>
<i>John Crane,</i>	<i>Aaron Leaming,</i>	<i>Joseph Cooper,</i>
<i>Joseph Camp,</i>	<i>Jacob Spicer,</i>	<i>James Hinchman.</i>
<i>John Van Middlesworth,</i>	<i>William Mott.</i>	
<i>Hendrick Fisher,</i>	<i>John Emley,</i>	
<i>Lawrence Van Buskirk,</i>		

Ordered,

That Mr. Lawrence, and Mr. Van Middlesworth, do wait on His Excellency, and acquaint him, that the House are of Opinion they have closely confin'd their Address to the Subject Matter of His Speech, unless where the distress'd State of the Colony drew them into some small Deviation, and if in the Course thereof they have committed any Mistakes, when convinc'd, they shall be willing to be set Right, and acknowledge the Favour.

That

That the House are not as yet convinc'd the desperate Height of the late Commotions is owing to the Neglect of former Assemblies, but on the contrary, find those unwarrantable Proceedings have been constantly discon - tenanc'd by them in their several Addiscts to the Governors; and in a Session, held at *Burlington*, in the Year 1747, sundry Steps were taken by the then Assembly for bringing those Confusions to an End, with which His Excellency has testified himself well pleased, and had all concern'd used their best Endeavours to accomplish this good Work, those Steps might have produced the desired Effect.

That the House may with Justice declare, the present Circumstances of the Colony will not admit them to raise Money for guarding the Goals, for, not to mention any other Circumstance, and supposing they were even inclinable to apply a Sum sufficient for this Purpose, they have not Money in the Treasury wherewith to do it, nor can the Publick be either regularly or equitably taxed to supply this Deficiency, until the Legislature is enabled to settle the Quota's of the several Counties in this Colony, which His Excellency well knows: Nor can the House find, on Enquiry, that this Colony ever gave Three Thousand Pounds a Year to one Part of the Government, when the People residing therein (if they were meant by His Excellency) were hardly a fourth Part so numerous as they at present are, from whence the House presume His Excellency has been misinform'd in that Particular.

That if the Cause of the late Rioting could be removed, as its to be hoped may be, provided the Proposal lately made on behalf of the Rioters take Effect; the House are of Opinion, that the Goals (as they have formerly been) will also hereafter be sufficient to hold all Thieves, Murderers and Traitors, when this Colony shall be so unhappy as to have such Criminals in it, without any general Charge for guarding them, or giving His Excellency the Trouble of laying the deplorable State of the Colony before His Majesty, to prevent the total Defection of Numbers who His Excellency says, seem at present to be withdrawing their Duty and Allegiance from His most sacred Majesty. The Members of the House are well acquainted with the Principles of their Constituents, and they do verily believe the Generality of them are as faithful and loyal Subjects, and as firmly attach'd to His present Majesty King GEORGE II. as any of His Majesty's Subjects can be, notwithstanding what may be said, or artfully insinuated to the contrary by any Person whatever.

That suppose the House should argue from the Choice of this Assembly, that the People in general have approved the Conduct of the late Assembly " who would not go into" the most Rigorous-and Expensive " Measures " for extirpating the Spirit of Rioting; this the House conceive cannot be thought branding themselves and their Constituents, as Abettors of the Rioters, but on the contrary, only imports an Unwillingness to involve the Colony for Support of private Claims, at a Time when the Claimants on one Side, by the Dignity of their Stations, are exempted from bearing Arms in defence thereof; and also, it may be presum'd, studiously endeavour to L avoid

avoid paying their proportionable Part of the Charge that such Defence might occasion.

That if the House should differ from His Excellency in their Sentiments touching the Measures necessary to bring these People into their Obedience, and so should not comply with what He has recommended, can the House of General Assembly from thence be justly thought Accessaries with the Rioters? Surely not: But on the contrary, if the propos'd Measures of the House are less severe, and if pursu'd, should be more effectual than what His Excellency would prescribe, such Measures may at least serve to demonstrate the Lenity of the House, if nothing more: And should His Excellency say to these Rioters as the Saviour of lost Mankind said to the Woman taken in Adultery, *Go and Sin no more*, this gentle Rebuke accompanied with Pardon for their past Offences, the House conceive, would prove more Successful than harsh or rigorous Means; and if compleatly effectual, then will there be no Occasion for His Excellency to represent this Matter to His Majesty.

That the House agree, History will tell them of a Rebellion committed in a neighbouring Colony, but much more violent in it's Nature than the Riots lately carried on in this, from whence the House cannot expect the like Effects, seeing its rational to conclude all good and wise Rulers will apply Punishment adequate to the Nature of an Offence: However, the Houfe would not be understood by this, to extenuate the Rioter's Crimes (which they always look upon with Abhorrence) but only just to intimate what may be urged in behalf of the Innocent Subject who have not misbehaved.

That the House is not inclinable to enter upon a particular Detail of all the different Times His Excellency has been pleased to call the General Assembly since his Arrival, nor to determine upon either the Necessity or Inexpediency thereof: But upon the whole, beg leave to observe, that they did not couch in their Address any Expressions upon that Head, which in their Opinion, was either indecent in their Nature or grossly misrepresented, seeing what they intimated, was only their Concern that *the unhappy Circumstances of the Colony should have given His Excellency the Trouble of calling them at this difficult Season, as also the former Assemblies so frequently heretofore.*

That the House acknowledge his Excellency's kindness in passing a number of good Laws, transmitted to *Britain* for the Royal Assent, as also in writing in favour thereof when transmitted, for which they concieve the late Assembly were not ungrateful, but on the Contrary as Liberal as the Circumstances of the Colony would admit, nor will the present Assembly willingly suffer his future good Offices to go unrewarded, for its their Principle to retaliate His Excellency according to the Service he shall do the Colony.

That what the House mentioned concerning the Disputes about Claims and Titles of Land was with this View, that if in Case His Excellency should

should Transmit any Representation to His Majesty touching the distressed State of the Colony, that might be done in such a light as to enable him to judge of the Cause of the late Disorders, and for doing this the House conceiv'd His Excellency might without much difficulty collect proper Materials; and although he seems not to have any thing against the present Assembly's favouring those obstinate People (it so inclined) by inflating a large Sum of Money to fee Council learn'd in the Law, to take out and Transmit a State of the legal Transactions to Great-Britain; yet the House is far from thinking His Excellency either an Abettor or even Countenancer of those Rioters, and notwithstanding what he has intimated, the House will not raise Money on their behalf, nor never had the least thought of doing it.

That as His Excellency has no private Claim in this Colony, so hath he no motives upon that Head to induce him to deviate from an Impartial Administration, which being steadily pursued will greatly Conduce to the Honour of His Majesty's Authority, and to the Happiness of His good People, committed to His Excellency's Care.

Mr. Eaton from the Committee appointed to conferr with the Committee of the Council, reported as follows.

Ordered, That Mr. Eaton from the Committee appointed to conferr with a Committee of the Council, on Measures for restoring the publick Peace, do report to the House, that they met the said Committee of Council, who inform'd them, they were impowered to receive Proposals, but not to agree or disagree thereto; whereupon this Committee made a proposal to them in the following Words, *To wit*, That if His Excellency the Governor should be pleased to grant another *Act of Pardon* to the People guilty of the Riots and Disorders in this Colony, whether then the Council will concurr with the Assembly in passing An Act for staying of all process against the said People, concerning Titles of Land, and executing Writs of Possession, and also concerning recovering or compelling the Payment of Bills of Cost, for such Time as shall be agreed on between both Houses, only excepting such Cases wherein the Claimers to Lands on each side shall agree to come to Tryal. And the Committee of the Assembly being ask'd, by the Committee of the Council, whether they had any other or further proposal to make, they answer'd, that as they had made one Proposal, they thought it was necessary that the Committee of the Council should also make another, to which it was replyed, that as all the Propositions they thought convenient and proper for restoring the Peace and Harmony of the Province, were contain'd in His Excellency's Speech to both Houses at the opening of this Session, and which the Assembly by their Address had declined to comply with, it was to little Use, to repeat them; however the Committee of the Council are of Opinion, that the Substance of that Speech was agreeable to the Sentiments of their House.

Mr. Hinchman had leave to be absent on extraordinary Occasions.

Ordered,

Ordered,

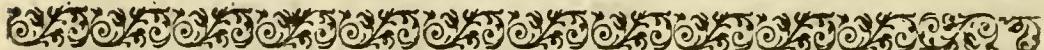
That Mr. *Cooper* and Mr. *Camp* do wait on His Excellency and acquaint him, that the Conference between the House and the Council is broke up, without the Committees coming to any Agreement upon the Matters conferr'd on, and that the Houſe are waiting to know his Pleasure concerning the pardoning Bill.

The House adjourn'd till *Monday* Morning nine o'Clock.



BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, Speaker.





V O T E S

OF THE

General ASSEMBLY

Monday, March 27. 1749.

The House met.

MR. Lawrence reported, that Mr. Van Middesworth and himself waited upon His Excellency with the Reply to His Excellency's Answer to the Address of this House, and delivered it to him on Saturday last.

Mr. Camp reported, that Mr. Cooper and himself delivered the Message with them entrusted, to His Excellency on Saturday last.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, March 28 1749.

The House met.

Ordered, to wait on His Excellency, and acquaint Him, That the House have nothing before them at present, and are waiting to know His Pleasure concerning the Pardoning Bill, and hope His Excellency will dismiss the Assembly as soon as He conveniently can.

Mr. R. Smith reported, that Mr. Wetherill and himself, delivered the Message of the House to His Excellency.

The House adjourn'd till Two P. M.

M

The

The House met.

A Message from His Excellency, by Mr. Secretary Read.

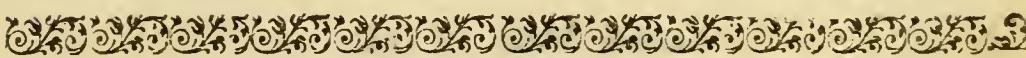
Mr. Speaker,

" His Excellency is in the Council Chamber, and requires the Attendance of this House immediately.

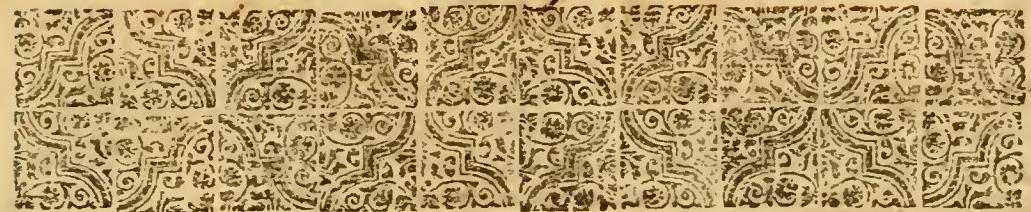
Whereupon Mr. Speaker left the Chair, and with the House went to wait on His Excellency, who was pleased to give His Assent to the following Acts.

1. *An Act to ascertain the Line and Bounds between the Counties of Somerset and Morris,*
2. *An Act to further continue an Act, entitled; An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the Repelling Invasions and Suppressing Insurrections and Rebellions.*
3. *An Act for the better repairing and amending the publick Highways, Roads, Streets, Wharf and Bridges within the Town of Burlington.*
4. *An Act for naturalizing Peter Schmuck, Philip Marot, and Peter Bruier.*

And then His Excellency was pleased to adjourn the Assembly to the Eighteenth Day of May next.


BY Virtue of an Order of the House, I do appoint *William Bradford* of Philadelphia, to print these Votes.

 **SAMUEL NEVILL, Speaker.**



V O T E S

O F T H E

General ASSEMBLY

P E R T H - A M B O Y, Monday September 25. 1749.

PURSUANT to his Excellency's adjournment of the General Assembly to this Day, the House met, and there not being a sufficient Number to proceed upon Business, the House adjourn'd till To-morrow Morning nine of the Clock.

Tuesday, September 26. 1749.

The House met, and there not being a sufficient Number to proceed upon Business, adjourned till To-morrow Morning nine of the Clock.

Wednesday, September 27. 1749.

The House met and adjourn'd till To-morrow Morning nine of the Clock;

Thursday, September 28. 1749.

The House met.

Ordered,

That Mr. James Smith and Mr. Bispham, wait on his Excellency, and acquaint him, that the House are ready to receive any Thing he shall be pleased to lay before them.

A

Mr.

Mr. Smith reported, that Mr. Bispham and himself waited on his Excellency, with the Message of the House, who was pleased to say, that about 4 o'Clock this afternoon he should speak to the House, and that he would send the Secretary to acquaint them when he is ready.

A Message from His Excellency, by Mr. Secretary,

" Mr. Speaker,

" His Excellency has ordered me to inform you, that he is in the Council Chamber and requires the immediate attendance of the House.

Mr. Speaker left the Chair, and with the House went to wait upon his Excellency, and being returned, Mr. Speaker resumed the Chair, and reported, that the House had attended his Excellency, who was pleased to make a Speech to this House, and to the Council, of which Mr. Speaker said he had obtained a Copy.

Ordered,

That his Excellency's Speech be read, and it was read accordingly, and ordered a second reading, and is as follows.

" Gentlemen of the Council, and of the General Assembly,

" SINCE our last Meeting, I received the KING's Royal Proclamation of a General Peace, concluded by the blessing of GOD on his Majesty's Arms and Councils; upon which I heartily Congratulate you, hoping it will give His Majesty still greater weight among all the Princes of Europe; and that We, at this distance from the Throne, shall reap happy Fruits and Advantages from it, under His Majesty's most auspicious and benign Government.

" Gentlemen of the General Assembly,

" By your having Recourse to the Journals of the late Assembly, and to those of your own, you will readily find, how often I have urged what was and still is of the greatest Importance to the Peace of this Province, which is the doing your duty to the KING, and to his People, in joyning with the other Branches of the Legislature, in such Measures as might be effectual for suppressing the great Numbers of seditious riotous Persons, who are endeavouring to overturn the KING's Government; a fresh instance of which they have lately given in breaking open the KING's Jail in the County of Essex, and delivering from thence two Persons, (who stood there committed for High Treason) as you will see by the Papers I shall send you; and you know, I ordered the last Meeting of the Legislature purely to have your Aid and Assistance in this very difficult Affair; but instead thereof, you were deaf to all I could say, and which I am afraid has proved an Encouragement to this set of lawless People to persist in their Obstinacy and Wickedness.

" But

" But as I have, in Duty to the KING, and in Tenderness to this People,
 " faithfully Represented to his Majesty the present deplorable State of this
 " Poivince in this regard, and am daily expecting the KING's especial Orders
 " about it, I shall say nothing more, than that I heartily wish you may yet
 " be Wise before it be too late, and thereby prevent your being answerable
 " for the Consequences of your present Misconduct.

" I am really sorry, *Gentlemen*, to be obliged to press you to the necessary
 " supply of the publick Treasury, which has been in a manner Empty for
 " a long Time, to the Injury of all the Officers of the Government, who
 " have loudly complained of so great an Injustice. As I have said formerly,
 " Money may be properly called the Strength of Government; for how
 " can the Laws be executed, or the KING's Subjects be protected in their Pro-
 " perties, while the Officers of Justice are wanting the Provision made by
 " Law for the support of themselves and of their Families.

" *Gentlemen of the Council, and of the General Assembly,*
 " As the Winter is approaching, and your Domestick Affairs may soon
 " require your Care and Attendance, I wish you may have a good Agree-
 " ment in what you may judge necessary to be done at this Time, which
 " will naturally shorten the Sessions; and you may always depend on my
 " cheerful Concurrence, in every Thing that may promote his Majesty's
 " Honour and Interest, and the happiness of this People.

Perth-Amboy,
September 28. 1749.

J. BELCHER.

Mr. Secretary laid before the House the Papers mentioned in his Excellency's Speech, which were read, and ordered a second reading.

Resolved,
 That *John Titus* be Door-keeper of this House:

A Petition of *Effie Duykuick* was presented to the House and read, setting forth the Distresses of her Husband and Family, and that she has in her own right a parcel of Land, which if disposed of by way of Lottery in Lotts, would be the most effectual Means for their Relief, and praying an Act for that Purpose.

Ordered,
 That the Petition have a second Reading:

The House adjourn'd till To-morrow Morning nine of the Clock;

Friday, September 29. 1749.

The House met.

His Excellency's Speech was read a second Time, and committed to a Committee of the whole House.

The

The Papers mentioned in his Excellency's Speech were also read a second Time, and referred to the said Committee.

The Petition of *Effie Duykuick* was read a second Time, and the House taking the same into Consideration, are of Opinion, that Lotteries are prejudicial to the Publick. Theretore,

Resolved, Nemine Contradicente,
That the said Petition be rejected.

Mr. R. Smith, with the other Gentlemen appointed to correspond with the Agent, laid before the House sundry Letters and Papers they had received from him, which were read and returned to Mr. Smith.

The House adjourn'd to Two P. M.

The House met.

Ordered,

That Mr. *Spicer* and Mr. *Wetherill* do wait on the Council, and acquaint them, that this House desire to know what further Progress they have made in the Bill, entituled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony*, sent to them at the last Setting at *Burlington*.

A Petition of divers Inhabitants of the Townships of *Chesterfield, Notting-ham, and Mansfield*, in the County of *Burlington*, was read, setting forth, many Difficulties and Inconveniences which will attend them if a Bridge should be built over *Croswicks Creek* at *Watson's Ferry*, and praying the House to reject the Petition for building said Bridge.

Ordered,

That the Petition have a second Reading.

Mr. *Spicer* reported, that Mr. *Wetherill* and himself, went in order to wait on the Council with the Message intrusted with them, but that House not sitting, and hearing on Inquiry that none of the Gentlemen of the Council are in Town, they retain the Message, which they shall deliver as soon as Opportunity offers.

The House resolved itself into a Committee of the whole House, to consider his Excellency's Speech, and the other Papers to them referred. After some Time spent therein, Mr. *Speaker* resumed the Chair, and Dr. *Johnston*, Chairman of the Committee, reported, that they had made some Progress in the Matters to them referred, and desired leave to sit again. To which the House agreed.

Mr. *Lawrence* had leave to be absent till Monday next on extraordinary Occasions.

Then the House adjourn'd till To-morrow Morning nine of the Clock.

Saturday,

Saturday, September 30. 1749.

The House met.

The House resolved itself into a Committee of the whole House to proceed on his Excellency's Speech : After some Time spent therein, Mr. Speaker resumed the Chair, and Dr. Johnston, Chairman of the Committee, reported, that they have made some further Progress therein and desire leave to sit again. To which the House agreed.

Then the House adjourn'd till Monday Morning 9 o'Clock.

Note. His Excellency was pleased soon after on the same Day to prorogue the General Assembly by Proclamation, till Tuesday.

Tuesday, October 3d. 1749.

The House met pursuant to the Prorogation.

Ordered,

That Mr. Hancock and Mr. Bispham wait on his Excellency, and acquaint him, that the House are ready to receive any Thing he shall please to lay before them.

Mr. Hancock reported, that Mr. Bispham and himself delivered the Message to the Governor, who was pleased to say, that he would let the House know by the Secretary.

A Message from His Excellency by Mr. Secretary.

" Mr. Speaker,

" I am Commanded by his Excellency to acquaint the House that he has " nothing new to lay before them ; and desires they may proceed upon " what he recommended in his last Speech to both Branches of the Legisla- " ture.

The House adjourn'd to Two P. M.

The House met.

His Excellency's Speech made to the Council and this House, on Thursday last was read, and ordered a second reading. Also the Papers mentioned in his Excellency's Speech were read, and ordered a second reading.

Ordered,

That Mr. Eatton, Mr. Cooke, Mr. Vanbuskirk, Mr. Hancock, and Mr. Spicer be a Committee to prepare and bring in a Bill, to enable the Legislature to settle the Quota's of the several Counties of this Colony in order for levying of Taxes from

Time to Time as Occasion may require, for support of Government, and defraying the contingent Charges thereof.

The House adjourn'd till To-morrow Morning 9 o'Clock.

Wednesday, October 4. 1749.

The House met.

Mr. *Hinchman* informed the House, that *Joseph Cooper*, Esq; late one of the Representatives of the County of *Gloucester*, is departed this Life.

Ordered,

That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown, to make out a Writ for the Choice of a Representative for the County of *Gloucester*, to serve in the General Assembly, in the room of *Joseph Cooper*, deceased.

His Excellency's Speech was read a second Time, and committed to a Committee of the whole House. Also the Papers mentioned therein were read a second Time, and referred to the said Committee.

Mr. *Eaton* from the Committee appointed to prepare and bring in a Bill to enable the Legislature to settle the Quota's of the several Counties, &c. reported, that they have prepared the same, and with leave he delivered it in at the Table, and it was read, and ordered a second reading.

Ordered,

That Mr. *Eaton*, Mr. *R. Smith*, Mr. *Cooke*, Mr. *Fisher*, and Mr. *Leaming* be a Committee to prepare and bring in a Bill for support of the Government and for defraying the contingent Charges thereof.

The House adjourn'd to Two Afternoon,

The House met.

The House resolved itself into a Committee of the whole House, to consider his Excellency's Speech and the other Papers to them referred. After some Time spent therein, Mr. *Speaker* resumed the Chair, and Mr. *Hancock*, Chairman of the Committee, reported, that they have gone through the Matters to them referred, and come to a Resolution that an humble Address be presented to his Excellency in Answer to his Speech. To which the House agreed.

Ordered,

That Mr. *R. Smith*, Mr. *Eaton*, Mr. *Cooke*, Mr. *Lawrence*, and Mr. *Spicer* be a Committee to prepare a Draught of said Address.

A Petition of *Jacobus Van Nuyts*, and others, Freeholders and Inhabitants of the City of *New-Brunswick*, praying that an Act may pass to vacate all that

that Part of *George's Road* near said City, from where a new Road is laid out from the same down to where it meets with the *Trenton Road*, being about a Mile in length, was read, and ordered a second reading.

A Petition of the Trustees of the College in *New-Jersey* was read, setting forth their former Application, for the assistance of this House, for the Promotion of the said College, and renewing the same Application praying, a publick Lottery may be allowed, for raising any Sum not exceeding *Three Thousand Pounds* Proclamation, for the Use of said College.

Ordered,

That the Petition have a second reading.

The House adjourn'd till To-morrow Morning 9 o'Clock,

Thursday, October 5. 1749.

The House met.

Mr. *Camp* had leave to be absent till To-morrow on extraordinary Occasions.

The Bill to enable the Legislature to settle the Quotas of the several Counties, &c: was read a second Time, and committed to a Committee of the whole House.

The House accordingly resolved itself into a Committee of the whole House, to consider the said Bill, and after some Time spent therein, Mr. Speaker resumed the Chair, and Mr. *Hancock*, Chairman of the Committee, reported, that they have gone through the Bill, and made several Amendments thereto.

And the said Amendments were read in their Places, and agreed to by the House.

Ordered,

That the Bill, as amended, be Engrossed.

A Message from his Excellency by Mr. *Secretary*, which he delivered in at the Table, with the Papers therein mentioned, and then withdrew.

And the said Message and Papers, were read and ordered a second reading; and are as follows.

" Gentlemen of the General Assembly,

" IN April last I had the honour of a Letter from the Right Honourable the Lords Commissioners for Trade and Plantations, in which is a Paragraph respecting an Arrearage of Sallery due from this Province to the late Governor *Morris* at the Time of his Death; on Account of which his Executors have Petitioned their Lordships: Copies of said Paragragh and Petition I send you with this by Mr. *Secretary*. As this is a Debt justly due

" due to the Heirs of the late Governor, it is certainly a great hardship they
 " should be so unreasonably kept out of it; I therefore hope, after a proper
 " Consideration of what I now lay before you, you will make effectual Pro-
 " vision for the speedy Payment of it, the doing whereof, you may depend,
 " will greatly recommend you to His Majesty's Grace and Favour, which
 " must be of the greatest Service and Advantage to this Province on all Oc-
 " casions. I recommend this Affair to your most serious Consideration, as it
 " is a Matter in which His Majesty's Government is essentially Concerned.

Perth-Amboy,
 October 5. 1749.

J. BELCHER.

Extract of the Lords Commissioners of Trade's Letter to the Governor.

" **A**PETITION having been presented to Us in behalf of the Exe-
 " cutors of the late Governor, a Copy of which is here inclos'd,
 " and We having taken the same into Our Consideration, have Resolved to
 " pursue such Measures as will most effectually tend to the obtaining the
 " Payment of the Salary which had been allowed him for several Years,
 " and appears to have been withheld from him for the two last Years of
 " his Administration; and We do the more earnestly interest Ourselves in
 " behalf of the Petitioners, as the Salary has been represented to Us to
 " have been withheld merely on account of his Adherence to his Duty, and
 " Obedience to the Directions of this Board. We do therefore require and
 " direct You to recommend in the most earnest Manner to the Assembly,
 " to make Provision for the speedy Payment of such Salary: And We ex-
 " pect from You, that You will use all such Methods as shall appear most
 " conducive to the carrying such Recommendation into Effect. We con-
 " sider this Affair as a Matter in which Government is essentially concerned."

The Above extracted from a Letter of the Right Honourable the
 Lords Commissioners for Trade and Plantations to Governor BELCHER,
 dated Whitehall, November 25. 1748. J. BELCHER.

Petition of the Executors of Governor MORRIS.

" To the Right Honourable the Lords Commissioners for Trade and
 Plantations.

" *The humble Petition of ISABELLA MORRIS, Widow, and LEWIS MORRIS,
 " and ROBERT HUNTER MORRIS, Esqrs; the Executors of the late Go-
 " vernor LEWIS MORRIS, of New-Jersey.*

" Sheweth,
 " THAT the said late Governor exercis'd the Government of the Pro-
 " vince of New-Jersey, under His Majesty's Royal Commission,
 " from the Year 1738, down to the Time of his Death on the 21st of
 " May, 1746.

" That

" That from the 23d of September, 1738, to the 23d of September,
 " 1744, the Salary, which was set apart, and actually paid to him, was
 " 1000*l.* per Annum. Proclamation Money.

" That the said late Governor was particularly directed by Letters from
 " Your Lordship's Board (the Paragraphs of some of which are hereon en-
 " dorsed) to use all proper Means to prevent the Increase of Paper Currency
 " which had been attended with many Inconveniences; and his Behaviour
 " in rejecting a Bill which had been tendered to him, for making 40,000*l.*
 " more in Bills of Credit was approved by Your Lordships.

" But however the same might be approved here, the Assembly of New-
 Jersey so much resented it, that they refused to allow the Salary to the
 " Governor, from the 23d, of September, 1744, to his Death; and since
 " his Death have refused to appoint the same to his Representatives, to the
 " great Loss of the said Governor's Family.

" Forasmuch therefore, as the late Governor's Family suffer in Manner
 " aforesaid, merely for his Adherence to the Duty which this Honourable
 " Board required of him.

" Your Petitioners most humbly pray Your Lordships, that You will be
 " graciously pleased, by Your Letters to the present Governor, to direct,
 " that He should from Time to Time recommend to the Assembly, in the
 " most earnest Manner, that they should appoint the Payment of the late
 " Governor's Salary down to the Time of his Death; Or that Your Lord-
 " ships will be pleased to afford Your Petitioners such other Relief, and in
 " such other Way and Manner, as to Your great Wisdom and Justice shall
 " seem meet. And Your Petitioners shall ever pray, &c."

(Signed) FERD. JOHN PARIS, for
 the Petitioners.

Extracts out of two Letters from the Lords Commissioners for Trade and Plantations, to LEWIS MORRIS, Esq; late Governor of New-Jersey.

1742, August 3d,
 " WE observe what You write in regard to Paper Currency, and hope
 " You will take effectual Care of the punctually Sinking the Out-
 " standing Bills in the Manner prescribed by the several A&ts that establish
 " them; and use all other proper Means of keeping up their Credit, and pre-
 " venting their Increase, that in Time an End may be put to a Currency
 " which has been attended with so many Inconveniences: We desire
 " therefore You will continue to give Us, from Time to Time, an Account
 " of what Number of these Bills are paid off and sunk."

1747, June 30.
 " BY Rejecting the Bill for making Forty Thousand Pounds in Paper-
 " Currency, altho' it came attended with another to Your Advantage,
 " You have given a Proof of Your Disinterestedness; and We doubt not
 " but

" but You will strictly observe the Promise You make Us, in the latter Part
 " of the said Letter, in not giving Your Assent to any Bills of that kind,
 " whatever the real or pretended Necessities of the Colony be, without a
 " Clause suspending their being in Force till His Majesty shall be pleased to
 " approve of them.

The House adjourn'd to Two P. M.

The House met and adjourn'd till To-morrow Morning nine of the Clock.

Friday, October 6, 1749.

The House met.

Mr. *Eaton* from the Committee appointed to bring in a Bill for *Support of Government*, presented the same to the House, and it was received and read, and ordered a second Reading.

The Engrossed Bill, entitled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony, in order for levying of Taxes from Time to Time, as Occasion may require, for Support of Government and defraying the contingent Charges thereof*, was read and compared, and on the Question,

Resolved, nemine Contradicente,
 That the said Bill do pass.

Ordered,

That Mr. *James Smith*, and Mr. *Leaming* do carry the same to the Council for their Concurrence.

Mr. *Leaming* reported, That Mr. *Smith* and himself delivered the said Bill to Mr. *Alexander*, one of the Gentlemen of the Council.

The Petition of *Jacobus Van Nuys* and others, for vacating a Part of the Road, called *George's-Road*, was read a second Time, and referred to further Consideration.

The House adjourn'd to Two P. M.

The House met.

The Bill for *Support of Government* was read a second Time, and committed to a Committee of the whole House.

A Petition of *John Miln*, was read, setting forth, that he was employed by Commissioners authorized by Law, as Chief Surgeon to the Forces lately employed by this Province on the intended Expedition against *Canada*, for the Term of *Four Months*, and had Direction to employ a Mate at the Rate of

of Six Shillings per diem, for the Term aforesaid, which he did, and hath paid the said Mate his Wages, which he hath not received from the Province, and praying that Order may be taken for the Payment thereof.

Ordered,

That the Petition have a second Reading.

The House resolved itself into a Committee of the whole House, to consider the Bill for *Support of Government*: After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Hancock, Chairman of the Committee, reported, That they have made some Progress in the said Bill, and desire leave to sit again. To which the House agreed.

Mr. Emley had leave to be absent till Monday next.

The House adjourn'd till To-morrow Morning nine of the Clock.

Saturday, October 7. 1749.

The House met, and resolved itself into a Committee of the whole House, to proceed on the Bill for *Support of Government*: And after some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Hancock, Chairman of the Committee, reported, That they have gone thro' the Bill, and come to sundry Resolutions thereupon;

And with leave, he reported the same as follows.

Resolved,

That the Government be supported for One Year, to commence the 10th of August, 1749, and to end the 10th of August, 1750. To which the House agreed.

Resolved,

That in and by the Bill above-mentioned when passed into a Law, there be paid,

To His Excellency JONATHAN BELCHER, Esq; or to the Governor or Commander in Chief for the Time being, for his Salary for said One Year, the Sum of *One Thousand Pounds*.

And on the Question whether the House agrees thereto or not, it passed in the Affirmative.

Yea,	Yeas,	Nays.
Dr. Johnston.	Mr. Cooke,	Mr. Eatton,
Mr. J. Smith,	Mr. Bispham,	Mr. Lawrence,
Mr. Wetherill,	Mr. Hinchman,	Mr. Van Middelworth,
Mr. Crane,	Mr. Hancock,	Mr. Fisher,
Mr. Camp,	Mr. Brick,	Mr. Van Buskirk,
Mr. Dey,	Mr. Leaming,	Mr. Mott.
Mr. R. Smith,	Mr. Spicer,	who all voted for 800l.
Mr. D. Smith,		

To

To the *Chief Justice* for the Time being, the Sum of *One Hundred Pounds.*

And on the Question it passed in the Affirmative,

Yeaſ,	Yeas,	Nays.
Dr. Johnston,	Mr. Cooke,	Mr. Eutton,
Mr. J. Smith,	Mr. Bispham,	Mr. Lawrence,
Mr. Wetherill,	Mr. Hinchman	Mr. Crane,
Mr. Van Middlesworth,	Mr. Hancock,	Mr. Camp,
Mr. Fisher,	Mr. Brick,	Mr. Van Buskirk,
Mr. R. Smith,	Mr. Leaming,	Mr. Dey,
Mr. D. Smith,	Mr. Spicer,	Mr. Mott. Who all voted for 50l.

To the *Second Judge* of the *Supream Court*, for the Time being, the Sum of *Twenty-five Pounds.*

To the *third Judge* of the *Supream Court*, for the Time being, the Sum of *Twenty-five Pounds.*

To the *Attorney-General*, for the Time being, the Sum of *Thirty Pounds.*

To each of the *Treasurers* for the Time being, the Sum of *Forty Pounds.*

To the *Clerk of the Council* for the Time being, the Sum of *Thirty Pounds.*

To the *Agent of this Colony* for the Time being, appointed by the *House of Representatives*, the Sum of *Eighty Pounds.*

To the *Clerk of the Circuits* for the Time being, the Sum of *Twenty Pounds.*

To the *Door-keeper of the Council* for the Time being, the Sum of *Ten Pounds.*

To His Excellency *JONATHAN BELCHER*, Esq; or to the *Governor or Commander in Chief* for the Time being, the Sum of *Sixty Pounds* for *Houſe Rent.*

To any one of the *Justices of the Supream Court* for attending any Court of *Nisi Prius* and *Oyer and Terminer*, according to said *Act*, the Sum of *Ten Pounds.*

To each of the *Council* for the Time they have respectively attended, or shall attend, at this or any other Sitting of *General Assembly* during said One Year, *six ſhillings per Diem.*

To the *Clerk of the House of Representatives* for his Attendance in Manner aboveſaid, *Eight ſhillings per Diem.* Also *Eight Pounds* for entring the Votes of this Sitting, fair, copying the Laws and Minutes for the Printer, Pen, Ink and Paper, and *Forty ſhillings* for a Journal already purchas'd. Also to Mr. *Samuel Smith*, *Ten Pounds*, for entring the Minutes, &c. at the last Sitting held at *Burlington.*

To *William Bradford* of *Philadelphia*, or any other Printer hereafter appointed for Printing the Votes and Laws of this or any other fitting in said one Year, such Sum, as *Richard Smith, junr. James Hinchman, and Daniel Smith*, Esqrs; or any two of them shall agree for.

To the *Sergeant at Arms* for the Time being, who hath attended or shall attend the *House of Representatives* at this or any other fitting as aforesaid, *three ſhillings per Diem.*

To

To the Serjeant at Arms for the Time being, who attended or shall attend the Council in manner aforesaid *three shillings* per Diem.

To the Door-keeper of the House of Representatives for the Time being, for his attendance in manner aforesaid, *three shillings* per Diem.

To *Andrew Johnston*, Esq; the Sum of *fifteen shillings* per Week, to pay for the Use of a Room, Firewood and Candle for the Council, during this or any other sitting, within the said one Year.

To *Thomas Rogers* the Sum of *eighteen shillings* for Firewood, for the Use of the House at a former sitting.

To the Speaker, and each of the Members of the House of Representatives for the Time they have attended or shall attend at this or any other sitting, during the said one Year, *six shillings* per Diem.

To all which the House agreed.

Ordered,

That the Bill be compleated pursuant to the said Resolutions, which was done accordingly.

Ordered,
That the Bill be engrossed.

The House adjourn'd to *Monday Morning 9 o'Clock.*

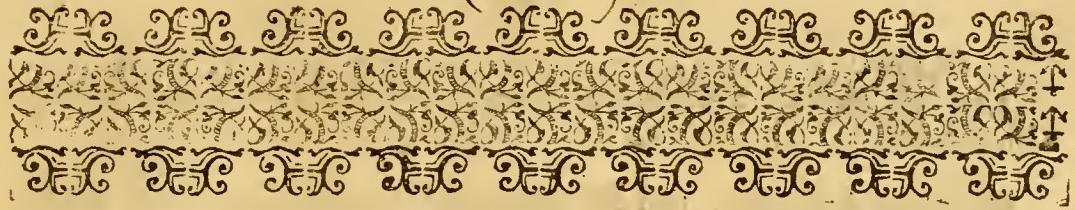


BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, *Speaker.*



(56.)



V O T E S

OF THE

General ASSEMBLY

P E R T H - A M B O Y, Monday, October 9. 1749.

The House met.

THE engrossed Bill, entituled, *An Act for the Support of the Government of His Majesty's Colony of New-Jersey for one Year to commence the tenth Day of August 1749. and to end the tenth Day of August 1750. and to Discharge the Publick Debts and the Arrearages and contingent Charges thereof,* was read and compared.

And on the Question whether the same do Pass or not? It was carried in the Affirmative.

Yeaſ,	Yeaſ,	Nayſ.
Dr. Johnston,	Mr. D. Smith,	Mr. Eatton;
Mr. J. Smith,	Mr. Cooke,	Mr. Van Buskirk;
Mr. Wetherill,	Mr. Bispham,	Mr. Mott.
Mr. Camp,	Mr. Hinchman,	
Mr. Van Middlesworth,	Mr. Hancock,	
Mr. Fisher,	Mr. Brick,	
Mr. Dey,	Mr. Leaming,	
Mr. R. Smith,	Mr. Spicer,	

Resolved,
That the said Bill do pass.

R

Ordered

Ordered,

That Mr. *Hancock* and Mr. *Fisher* carry the same to the Council for their Concurrence.

Mr. *Hancock* reported, that Mr. *Fisher* and himself delivered the said Bill to Mr. *Alexander* one of the Gentlemen of the Council.

The House adjourn'd till To-morrow Morning 9 o'Clock.

Tuesday, October 10. 1749.

The House met.

The Petition of *John Miln* was read a second Time, and Mr. *Fisher* informing the House, that there was an Agreement in Writing between the Commissioners and Mr. *Miln*, the further Consideration of the Petition is deferred till Mr. *Miln* shall produce the said Agreement, and Vouchers for the Payment of the Money alledged to be paid to his Mate in his Petition.

The Representatives of *Cape-May*, having informed the House, that there being in *April* last, an Occasion for holding a Court of *Oyer and Terminer* and *General Goal Delivery* in that County, at which Time no such Court was to be held in *Salem*, where by the Act for support of Government, the Causes of *Cape-May* were provided to be Tryed, One of the Judges, at the Request of the County, held the said Court at *Cape-May*, the House are therefore of Opinion, that the Sum of *Ten Pounds* for holding the same ought to be provided for in a future Act for the support of Government.

The Petition of the Trustees of the College in *New-Jersey*, praying a Lottery to raise Money for Promoting thereof, was read a second Time, and a Debate arising thereon, the Question was put whether the Prayer of the Petition be granted or not? And it passed in the Negative.

Nays,	Nays,	Yea.
Dr. <i>Johnston</i> ,	Mr. <i>Bispham</i> ,	Mr. <i>J. Smith</i> ,
Mr. <i>Wetherill</i> ,	Mr. <i>Hinchman</i> ,	Mr. <i>Crane</i> ,
Mr. <i>Eatton</i> ,	Mr. <i>Hancock</i> ,	Mr. <i>Camp</i> ,
Mr. <i>Fisher</i> ,	Mr. <i>Brick</i> ,	Mr. <i>Van Middlesworth</i> ,
Mr. <i>Van Buskirk</i> ,	Mr. <i>Leaming</i> ,	
Mr. <i>Dey</i> ,	Mr. <i>Spicer</i> ,	
Mr. <i>R. Smith</i> ,	Mr. <i>Mott</i> ,	
Mr. <i>D. Smith</i> ,	Mr. <i>Emley</i> .	
Mr. <i>Cooke</i> ,		

A Petition of *Theophilus Burwell*, and *Aaron Ball* was read, setting forth, that they were some Time ago committed to Goal in *Essex* County, on a Charge of Treason and other Misdemeanours, and having lain there near three Months, and having no hopes of coming to Tryal, it induced them to escape from their Confinement through the Aid of others, but being convinced

vinced that such Escapes are Illegal, and being yet willing to take their Tryal they have submitted themselves to their Confinement again, and praying the House to introduce them so far into his Excellency's Favour as for them to have an immediate Tryal.

Also a Letter from *John Style*, certifying that the said Petitioners were return'd and remain'd in the Goal, and sundry Affidavits concerning the Petitioners applying for Tryal, and concerning the Proposals of some of the Indian Purchasers for Tryal of their Right with Mr. *Alexander* and Mr. *Morris* were Read.

Ordered,

That the said Petition and Papers have a second reading.

The House adjourn'd to Two P. M.

The House met.

The Petition of the Inhabitants of *Chesterfield, Nottingham, &c.* praying that the Petition for building a Bridge over *Croswick's Creek at Watson's Ferry*; may be rejected, was read a second Time and referred to further Consideration.

His Excellency's Message of *Thursday* last with the Papers therein mentioned were read a second Time and committed to a Committee of the whole House.

Mr. *Hinchman* had leave to be absent on extraordinary Occasions.

The House adjourn'd till To-morrow Morning nine of the Clock.

Wednesday, October 11, 1749.

The House met.

A Petition of sundry Inhabitants of the City of *New-Brunswick*, praying that the Petition for Vacating a part of *George's Road*, may be rejected, was read, and referred to be considered when the said Petition comes under Consideration.

The House resolved itself into a Committee of the whole House to consider his Excellency's Message and the Papers to them referred : And after some Time spent therein, Mr. *Speaker* resumed the Chair, and Mr. *Hancock*, Chairman of the Committee, reported, that they have gone through the Matters to them referred and come to some Resolutions thereupon.

And with leave he reported the same as follows.

Resolved,

That there is not any Debt due from this Province for any Arrearage of Salary to the late Governor *Morris*. And

And on the Question whether the House agree thereto or not? It passed in the Affirmative.

Yea.	Yea.	Yea.	Nay.
Mr. J. Smith,	Mr. Van Buskirk,	Mr. Brick,	Dr. Johnston.
Mr. Wetherill,	Mr. Dey,	Mr. Leaming,	
Mr. Eatton,	Mr. R. Smith,	Mr. Spicer,	
Mr. Crane,	Mr. D. Smith,	Mr. Mott,	
Mr. Camp,	Mr. Cooke,	Mr. Emley,	
Mr. Van Middesworth,	Mr. Bispham,		
Mr. Fisher,	Mr. Hancock,		

Resolved,

That a Message be sent to his Excellency in Answer to his said Message. To which the House agreed.

Ordered,

That Mr. Hancock, Mr. J. Smith, Mr. Fisher, Mr. Leaming, and Mr. Van Middesworth be a Committee to prepare a Draught thereof.

A Message from the Council by Mr. Kemble acquainting the House that the Council have passed the Bill to enable the Legislature to settle the Quota's of the several Counties, &c. with one Amendment; to which they desire the Concurrence of this House.

And the said Amendment was read in its Place and disagreed to by the House.

Resolved, nemine Contradicente,

That this House do reject the said Amendment and adhere to the Bill.

Ordered,

That Mr. Spicer, and Mr. Wetherill do carry the said Bill, with the Amendment, back to the Council, and acquaint them with the Resolution of this House thereupon.

Mr. Spicer reported, that Mr. Wetherill and himself waited on the Council with the Bill and Message to them intrusted, and delivered the same to the Speaker in Council.

A Message from the Council by Mr. Kemble with the said Bill to enable the Legislature to settle the Quota's, &c. acquainting the House, that the Council adhere to their Amendment to the same.

The House adjourn'd to Two P. M.

The House met, and adjourn'd till To-morrow Morning 9 o'Clock.

Thursday,

Thursday, October 12. 1749.

The House met, and adjourn'd to Two P. M.

The House met, and adjourn'd till To-morrow Morning 9 o'Clock.

Friday, October 13. 1749.

The House met.

A Message from the Council by Mr. Saltar which was read and is as follows.

Council Chamber, October 12. 1749.

‘ Richard Saltar, Esq; Chairman of the Committee to which was referred
‘ the Bill for Support of Government, made report to this House, that they
‘ found the Preamble of the said Bill in these Words.

“ **W**HEREAS the Act for supporting the Government of this His Majesty's Colony, has been for some Time expired ; and Whereas the Interest Money arising from the Loans of the Bills of Credit, emitted in this Colony, was designed by the Act that made them Current, to be thereafter disposed of, and for the Support of Government, in such Sort, Manner and Form, as the Governor, Council, and General Assembly should direct : We the House of the Representatives being willing and desirous to give all possible Demonstration of Our Duty, Loyalty and Gratitude, by applying so much of said Interest-Money and other Money which may come into the Treasury, in such Manner as is herein after directed, for the Support of His Majesty's Government for the aforesaid One Year, do pray that it may be Enacted.

‘ And that they found a part of the first Clause of the said Bill in these Words.

“ There shall be, and there is hereby Clearly and Unanimously given unto his present Majesty, his Heirs and Successors, the Sum of *Fourteen Hundred Pounds*, Money according to the Proclamation of the late Queen ANNE, to be paid out of the Interest-Money that at any Time heretofore hath, now doth, or at any Time hereafter may arise by the Loan of the Bills of Credit which now are, or hereafter may be Current in this Colony ; and out of such other Money as is now or may be paid into the Treasury for the Support of the Government by any Laws of this Colony.

‘ And further reported, that the laid Committee were of Opinion that the said Words did imply these Facts, viz.

Firſt. ‘ That some Interest-Money hath arisen, or hereafter may arise, by the Loan of the Bills of Credit, by some Act or Acts in being, which is not disposed of and may now be applyed by this Act.

S

Secondly,

Secondly, ‘ That some other Money now is or may be paid into the Treasury by some Act or Acts in being which is not disposed of and may now be applied by this Act.

‘ And further reported, that they could not recollect any Act or Acts now in being by which any Money is arisen or hereafter may arise by the Loan of the Bills of Credit, or any otherwise, which has not already by the same or other Acts been disputed of and applyed and therefore prayed the Direction of this House in that Matter.

‘ Which Report being maturely considered by this House is approved of.

Ordered,

‘ That Mr. Saltar do deliver to the House of Assembly a Copy of the said Report and Approbation of this House, and request, that they would be pleased to point out to this House, the Act or Acts now in being, by which any Money is arisen or hereafter may arise by the Loan of the Bills of Credit, or any otherwise, which has not already by the same or other Acts been disposed of and applied ; that this House may be enabled with Truth and Veracity to assent to and pass as their Act, the Parts of the said Bill which imply the two preceeding Facts.

A Message from the Council by Mr. Secretary, requesting the Papers referred to in his Excellency's Speech.

And they were delivered to him.

The Houle having duly considered the Message from the Council by Mr. Saltar.

Ordered,

That Mr. Leaming, and Mr. J. Smith do wait on the Council and acquaint them, that altho' the great Difficulties the Assembly labour under by the Council's having so often refused to pass any one of the Bills to enable the Legislature to settle the Quota's of the several Counties, &c. sent up by the Assemblies of this Colony to that House for Concurrence, yet their Duty and Loyalty to the best of KINGS, and their earnest desire to support his Government over them in the best Manner they were able, induced them to pass the Bill for Support of Government, referred to in the Council's Message, therein making full Provision for the Governor and the several Officers of the Government, and subjeeting all Money in their Power to the Payment thereof, with hopes, at the Time of passing that Bill, that the Council would have assented to a Bill, entituled, *An Act to enable the Legislature to settle the Quota's of the several Counties in this Colony, in order for levying of Taxes from Time to Time as Occasion may require, for Support of Government and defraying the contingent Charges thereof*, sent by this House, to that House for Concurrence; whereby the Legislature would have been enabled in an equitable Way, to have raised a sufficient Sum of Money by a Tax on the People, to have supplyed the Treasury, so that in a few Months Time they would have been

been able to have Discharged the several Sums granted by this Bill, and the Arrearages due to the Officers of the Government by some other Bills of the like kind : This (the House is of Opinion) would have answered the whole that is proposed by this Bill, supposing there was no Money in the Treasury, nor any likely to come into it by virtue of Laws now in being, which we do not know to be the Case, neither that there is any Thing contained in this Bill inconsistent with Veracity and Truth ; and therefore this House think themselves under no necessity of Pointing out the Acts they mention.

A Petition of divers Inhabitans of *Burlington* and *Monmouth*, setting forth; that the Fine for killing Deer and the Reward for killing of Wolves are too small, and praying the House to make such Provision for preserving the one and destroying the other, as to them shall seem meet, was read, and referred to further Consideration.

The House adjourn'd to Two P. M.

The House met:

Mr. *Leaming* reported, that Mr. *J. Smith* and himself delivered the Message intrusted with them to the *Speaker* in Council.

Mr. *R. Smith* reported, that the Committee appointed to prepare a Draught of an Address to his Excellency, have the same ready to present to the House.

And it was received and read and several Amendments being made to the same, it was agreed to by the House, *nemine Contradicente*.

Ordered,

That the said Address be engrossed.

Mr. *Secretary*, by his Excellency's Order, laid before the House His Majesty's Disallowance of an Act passed here in December 1743. entitled, *An Act for ascertaining the Fees to be taken by the several Officers in the Colony of New-Jersey.*

The House adjourn'd till To-morrow Morning 9 o'Clock;

Saturday, October 14. 1749.

The House met:

The engrossed Address to his Excellency was read and compared.

Ordered,

That Mr. *Speaker* Sign the same, which he did accordingly, having first declared his Dissent thereto.

Ordered,

That Mr. *Lawrence*, and Mr. *Emley* wait on his Excellency, and desire to know when he will be pleased to receive the Address of the House,

Mr.

Mr. Lawrence reported, that Mr. Emley and himself waited on his Excellency, who was pleased to say that he would send the House Word by the Secretary.

The Petition of *Theophilus Burwell* and *Aaron Ball*, was read a second Time.

Ordered,

That Mr. Crane, and Mr. Camp do wait on his Excellency and acquaint him, that this House humbly Prays him to issue a Commission for holding the Court of *Oyer and Terminer*, and *General Goal Delivery*, in the County of *Essex*, for Trying the Prisoners confined there for High Treason, and other Criminals in the said County, to be holden at the Time appointed by the Ordinance, for holding the Circuit Court, or sooner if he shall think it proper for them to have a more speedy Tryal.

Mr. Crane reported, that Mr. Camp and himself waited on his Excellency and performed the Order of the House.

The House adjourn'd to Two P. M.

The House met.

A Message from His Excellency, by Mr Secretary.

" Mr. Speaker,

" His Excellency has ordered me to acquaint you, that he is ready in
" the Council Chamber to receive your Addrefs.

Mr. Speaker left the Chair, and with the House went to wait upon his Excellency : And being returned, Mr. Speaker resumed the Chair, and reported, that the House had attended his Excellency and presented their Address in the following Words.

To His Excellency JONATHAN BELCHER, Esq; Captain General and Governor in Chief in and over His Majesty's Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same.

The Humble ADDRESS of the Representatives of the Colony of New-Jersey, in General Assembly convened.

May it please your Excellency,

WE His Majesty's dutiful and loyal Subjects, the Representatives of the Colony of New-Jersey, beg leave to return your Excellency Our Thanks for your Congratulation upon the General Peace, concluded, by the Blessing of GOD, on His Majesty's Councils and Arms ; and, on Our Part, We Congratulate your Excellency upon so happy an Event, hoping it will add Weight to His Majesty's Influence, among all the Princes of Europe, and

and that We, at this remote Distance from the Throne, shall reap happy Fruits and Advantages from it under His Majesty's most auspicious and benign Government.

By having Recourse to the Journals of the late and present Assembly, We find, that in a Session at *Burlington*, which commenced the 20th August 1747. soon after your Excellency's Arrival, and continued by adjournment untill the 18th of February ensuing, in Consequence of what You recommended that Session, a Committee was appointed by the then House of Assembly who applyed to His Majesty's Council, desiring that they would also appoint a Committee to joyn the Committee of the Assembly, to consider, in a free Conference, upon Ways and Means for suppressing the Riots and Disorders of the Colony : In Consequence thereof, a Committee of the Council was appointed to joyn the Committee of the Assembly for that Purpose, that those Committees met, and from Time to Time duly Deliberated upon the subject Matter of the said Conference, until they agreed upon a Report to be made to their respective Houses touching the Premises, where the same was further considered ; and in Consequence thereof, passed several Bills for suppressing of riotous Proceedings, which were assented to by your Excellency ; and You was pleased, at the same Time, to tend down to both Houses, an Act, entituled, *An Act to pardon the Persons Guilty of the Insurrections, Riots and Disorders raised and committed in this Province*, which was thankfully accepted by them. These were the Steps then taken for bringing those wild Confusions to an End, with which your Excellency concurred, and was pleased in your Speech, at the Close of that Session, to intimate your Satisfaction therewith.

That in a Session commenced at *Burlington*, October 21, 1748. and ended at *Perth-Amboy*, December 16, ensuing, your Excellency further recommended the Consideration of the unhappy Scituuation of the Colony, respecting the Rioters ; to which the Assembly in Substance replyed, that the Laws then in being, in their Opinion, ought to be put more fully in Execution ; and if they then proved intufficient, their particular Defects might be pointed out at the next Meeting of Assembly, that they might be able to do what might be further necessary to be done on that Occasion ; at the same Time the Assembly said what might have been sufficient to discountenance the Madness of those audacious Rioters : Since then to this Time, no Defects in the Laws have been pointed out to the Assembly.

That your Excellency in your Speech made to both Houses at *Burlington*, in a Session which commenced February 20, 1748-9. recommended to Our Consideration what further Laws might be necessary for curbing the Insolence of those People ; that in Pursuance of this, the Assembly took the Matter under Consideration and after spending some Weeks in deliberating on what might be proper to be done on the Occasion, they concluded, that lenitive Measures might be most likely to prove Successful, not only as they frequently have a very prevalent Influence upon the Minds of Men, but also because two Petitions were then preferred on behalf of those Rioters, the one to your

Excellency, the other to the Assembly, setting forth in Substance, an Acknowledgement of their Misconduct, praying Forgiveness in the same, and appearing inclinable to return to their Duty ; and by their Substitutes made sundry Proposals to *James Alexander* and *Robert Hunter Morris*, Esqrs; their Antagonists, for coming to Tryal under the contested Lands, which had in great Measure occasioned those Disorders ; and although those Gentlemen did not at that Time comply with those Proposals, yet it was hoped they would : Since which we find, by the Records of the Supream Court, that *Francis Spier*, one of the People in Possession of the Lands claimed by the abovesaid Gentlemen, hath had an Attorney and Council appointed him by that Court in order for a legal Tryal ; that in Consideration of what has been above advanced, the Assembly were induced to apply to your Excellency to know your Pleasure concerning extending His Majesty's gracious Pardon to those Rioters, so far forth as by his Royal Commission You were Impowered to do ; to which You was pleased to reply, " that You would do all in your " Power to restore the Peace of the Colony in joyning with the other " Branches of the Legislature, in such Measures as they should " think proper for that Purpose," which kind Reply induced the House to appoint a Committee to joyn a Committee of the Council, in a free Conference, upon that important Subject ; and on the Assembly's Application to the Council, a Committee of the Council was also appointed ; and those Committees met and entered upon the Subject of their Meeting, when the Committee of the Assembly found, to their Surprize, the Committee of the Council were only impowered to receive Proposals from the Committee of the Assembly upon the said Subject ; whereby the freedom of the Conference, was greatly obstructed, and predicted to them the Improbability of any Success from that Conference : However, that nothing might be wanting on the Part of the Committee of the Assembly to render the said Conference useful, they made a Proposal touching the Premises, which, in their Opinion, would contribute towards restoring the Peace of the Colony ; which not being agreed to by the Committee of the Council, nor by their House, the said Conference did not produce the desired Effect.

Having premised these Things, We cannot but be humbly of the Opinion, that both the late and present Assembly have, with Assiduity, discharged their Duty, in using what they judged the most likely Ways and Means for the restoring the Peace and Quiet of the Colony ; and that neither of these Assemblies can justly be Chargeable with being deaf to what your Excellency has from Time to Time recommended on that Head. If those Assemblies have differed from your Excellency and Council in their Opinion touching the Measures necessary for restoring the Peace of the Colony, and have conducted themselves agreeably thereunto, this We presume don't indicate any Breach of Duty in them ; but, on the contrary, serves to discover that they have acted by their own Judgment, which as a Branch of the Legislature they have a Right to do without being accountable to the other Branches for the same ; and if their Measures have been more Mild than what some Gentlemen would prescribe, these audacious Villains who disturb the publick Peace ought not to take any Incouragement from thence to persevere in their detestable

testable Practices ; but, on the contrary, in Duty to the KING, in Regard to good Government and the Welfare of the Colony, they ought to return to their Duty and become peaceable Subjects ; and all those who can by their Perswasions and Influence contribute towards this desirable End would do well to promote it, and this We shall each of Us use Our utmost Endeavours to advance and have some Reason to expect will be effected.

We have lately received a Petition nearly in Substance the same with one, We are informed, hath been presented to your Excellency and the Gentlemen of His Majesty's Council, from the two Persons mentioned in your Excellency's Speech, to have been rescued from the KING's Goal for the County of *Essex*, which Petition sets forth, that after repeated Application of the said Petitioners for a Tryal without Success, and their long Confinement being prejudicial to them and their Families, they the said Petitioners were induced unadvisedly to depart the Goal by the commisflerating Aid of others : But on further Consideration they the said Petitioners were convinced of the Illegality of their Proceedings, and thereupon have submitted themselves to their Confinement, praying the House to intercede with your Excellency for their immediate Tryal. That they have submitted to Confinement appears confirmed by a Certificate under the Hand of *John Style*, Keeper of the Goal aforesaid.

If your Excellency has represented to His Majesty the Measures taken by the late and present Assembly for bringing this Colony into a State of Tranquility, as well as the present deplorable State thereof, We from thence conceive Our gracious Sovereign will not impute any Misconduct to either of those Assemblies : However, as we are at present unacquainted with what your Excellency has Represented, as also what may have been Represented on this Head by the Gentlemen of His Majesty's Council, We depend on his Majesty's known Justice and Goodness to hear what the Assembly of *New-Jersey* have to say in Defence of their Conduct before any Thing be determined thereon.

Had the Gentlemen of His Majesty's Council assented to any one of three Bills the Assemblies in the several Sessions preceeding the present, *for enabling the Legislature to settle the Quota's of the respective Counties in this Colony*, sent them for Concurrence, the Treasury might have been supplied before this Time ; or if they would have given their Assent to a Bill for that Purpose sent them by this House for Concurrence a few Days past, We on Our part would have made further Provision for supplying the Treasury with all convenient Dispatch ; and still are willing to do it as soon as we can have it done in an equitable Manner : But as they still refuse their assent to that necessary Bill, the Officers of the Government must ascribe the Injustice done them, in being kept out of their Dues, to the Council, and not to the Assembly, who have heretofore, as at this Time, provided for their respective Salaries and Sums of Money due from the Colony.

We acknowledge what your Excellency is pleased to say of a good Agreement amongst ourselves and its Tendency, and on Our part shall Endeavour to promote it, not only because the Winter Season is approaching and Our private

tate Concerns will require Our Attendance, but because a speedy Dispatch of the publick Busines will Ease the heavy Burthen of Expence that attends long Sittings; and We thank your Excellency for the Offer You make of your Concurrence with what We shall Judge necessary to promote the Honour of His Majesty and the Welfare of His Loyal Subjects in this Colony committed to your Care.

Several of the Members being
of the People called Quakers agree
to the Matter and Substance of
this Addres with their usual Ex-
ception to the Stile.

By Order of the House,

SAMUEL NEVILL, *Speaker.*

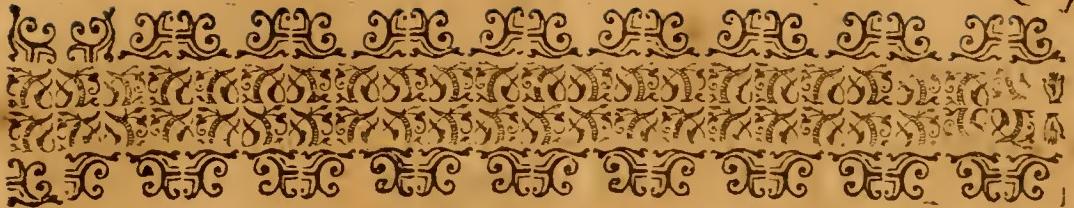
The House adjourn'd to Monday Morning 9 o'Clock.



BY Virtue of an Order of the House, I do appoint *William Bradford* of Philadelphia, to print these Votes.

SAMUEL NEVILL, *Speaker.*





V O T E S

O F T H E

General ASSEMBLY

PERTH-AMBOY, Monday October 16, 1749.

THE House met, and adjourn'd till To-morrow Morning nine of the Clock.

Tuesday, October 17, 1749.

The House met.

Mr. Hancock reported, that the Committee appointed to prepare an Answer to His Excellency's Message, have the same ready to present to the House.

And it was received and read, and several Amendments being made thereto, the House agreed to the same *nemine Contradicente;*

Ordered,

That Mr. Leaming, and Mr. Fisher do wait on his Excellency and acquaint him, in Answer to his Message of the fifth Instant, that the House were in hopes all Difference between the late Governor MORRIS, and the Assemblies of New-Jersey, might have been buried in perpetual Oblivion with the Death of that Gentleman, because his Memory must be precious to his Family, to whom they are unwilling to give any uneasiness; and nothing short of the publick Welfare could have induced them to rake into the Ashes of the Dead; but as they are oblig'd in Duty to their Constituents and in

Discharge of the Trust reposed in them to dissent from what his Excellency has recommended in his said Message, do therefore think it incumbent on them to remark on some Part of the said late Governor's Conduct, from whence they conceive such Dissent both just and reasonable.

The House avoiding to mention many Things that might be urged against the said late Governor's Conduct have contented themselves with only remarking to your Excellency, that soon after the said late Governor's Accession to the Government, he issued Writs for the Choice of a new Assembly, who in their first Session not only gave him a Salary of 1000*l.* per Annum for Three Years, and 60*l.* Yearly for hiring a House during the said Term; but also a Present of 500*l.* and altho' this Provision was much more than any of the neighbouring Governments paid, in Proportion to their Abilities, for Support of their Governors, and double the Sum that had been usually given to his Predecessors in this Colony, yet at the Conclusion of that Session he made them a Speech and very unthankfully told them; he only took that as an Earnest of what he expected and Dissolved them. And to compleat his unreasonable Resentment against them, did, in direct contradiction of a Law which himself had signed that very Day, forbid the Treasurers to pay them their Wages, altho' justly due, and for which they had obtained Certificates according to the said Law.

That notwithstanding the Treatment the first Assembly met with, was hard and severe, yet the succeeding Assemblies did not retaliate it in its kind, but on the contrary, in order to demonstrate their Duty and firm Attachment to the best of KINGS and to cultivate (if possible) a good Agreement with him the said Governor, continued the said Salary and House-Rent from Time to Time until September 1744.

That notwithstanding the Assembly's Endeavours for the good Agreement above-mentioned in the Year 1740 during a long Session of above three Months in the busiest Season of the Year, the two Houses having passed a Number of necessary Bills, some whereof were very long; and in order to further cultivate the said good Agreement, the General Assembly sent Copies thereof to him for his Perusal, but altho' he was not so kind as to point out any of their Defects to the House, yet he obliged the Assembly to continue together until they were all Re-engrossed with broad Margins, &c. in order (as he said) for affixing the Great Seal thereunto, yet after all this unnecessary Trouble and Expence, and Application by that Assembly to him, to put an End to that Session, he ordered them to adjourn themselves for a fortnight to no Purpose, and at their Return, refused his assent to many of the said Bills, so Re-engrossed, which serves to demonstrate the Disposition he had to perplex the Affairs of the Colony.

That in the Year 1742, after the Council and Assembly had spent six Weeks in preparing and passing Eight good and necessary Bills, he Signed the Bill for *Support of Government*, and laid all the rest aside; and with a long Speech filled with Invectives and Charges against the Assembly, Dissolved them, and all this without any Reason for such Treatment.

That

That in 1743 Committees of both Houses were appointed who met in a free Conference of which the Chief Justice and second Judge of the Supream Court were apart, and settled and agreed upon a Bill for establishing a Table of Fees, which afterwards passed both Houtes and to which his Excellency with all seeming Freedom gave his Assent, yet to the great Surprize of the good People of this Colony; he soon after wrote home to the Lords Commissioners for Trade and Plantations, acquainting them, that the Fees as established by that Bill, were so inconsiderable that no Persons of Character or Reputation would Care to accept of Employments in the Colony; the Consequence whereof proved to be a Repeal of the said Bill, so that through his Means the Colony has remained to this Day, without any Law for Taxing cf Bills of Cost to the grievous Oppression of great Numbers of Poor People in this Colony.

That in the Year 1744 the Justices of the County of Hunterdon did proceed contrary to a known Law of this Province to chuse a Commissioner of the Loan Office for the said County, in the Room of Joseph Peace, Esq; deceased, which illegal Proceedings being complained of to the General Assembly, they took the same into their Consideration; and thereupon addressed the said late Governor for the Removal of those Justices for their Male Administration, or to order such other Prosecutions against them as he in his Wisdom should see meet; so that it might effectually deter others from acting so apparently contrary to the express Letter of the Law: But altho' the Conduct of the said Justices was not only Repugnant to a Law which had been confirmed by his Majesty, but it also had a direct Tendency to lessen the Credit of the Paper Money; then passing current in this Colony; yet notwithstanding the said Governor was so far from regarding this or the Assembly's Address, that he became an Advocate for the said Justices illegal Proceedings, seeming to be displeased with the Assembly for complaining of them, and in gratification of his Displeasure continued the Justices and Dissolved the Assembly, and some Time after called another, being the Third he had met within less than Ten Months, as appears by their Journals.

Thus did his Excellency exercise the Royal Powers with him intrusted to the great Detriment of the Colony, by his frequent Calling, Proroguing and Dissolving the Assemblies, and often keeping them together Sitting for a long Time to no Manner of Purpose. Thus was the Powers of Government abused; and that of the People being Represented in General Assembly which was Designed by Our Most gracious Sovereign to be the Means of compleating the Happiness of his Subjects in this Colony, and really is one of the greatest temporal Blessings that a free People can enjoy on Earth, was by the Misuse of it become a very great Grievance.

That after his Excellency had detained the Assembly together at Amboy, in the Year 1745 near two Months, altho' he himself was very often a great Distance from them, sometimes at Trenton and sometimes at or near Brunswick, by which all Communication between him and them was so much cut off that it was rendered almost Impracticable, except at Times when he thought proper to come to Amboy and Prorogue them for a few Days, or otherwise

otherwise Chastise them, and after all the reasonable Proposals that the Assembly could think of were made, this Session finished without having its desired Effect.

That frequent and long Sittings, and no Business of any Consequence being done, were then become so very Common, and the Debts of the Colony thereby so highly Increased, that the Assembly easily foresaw the Necessities the Colony would soon be reduced to without great Care.

And His Majesty being at that Time engaged in a War, with *France* and *Spain*, and this Colony having cheerfully given several Thousand Pounds in the West-India, and *Cape-Breton* Expeditions, and reason to believe they should soon be called upon by His Majesty for further Assistance, against his Enemies, and much talk of the *French* sending a large Fleet to Revenge upon these Colonies, the Indignity their Arms had suffered in the Loss of *Cape-Breton*, and this being a defenceless Government without any Manner of Fortification, and liable to be attacked for near 300 Miles, the Assembly would have been greatly wanting in their Duty to His Majesty, and his faithful Subjects of this Colony, if they had not Endeavoured to keep the State of the Treasury in as good a Condition as possible.

And Time has sufficiently verified that these Imaginations were but too well Grounded : For altho' kind Providence did not permit the Fleet of Our aspiring Enemies to attack us, yet this Colony were called upon by His Majesty to assist in the late intended Expedition against *Canada*, in which Expedition they have actually expended above £. 20,000 including what was lent the Crown for Arming and Cloathing the Forces sent from hence.

These Reasons and many more being sufficiently weighed, the Assembly proposed to the Governor, in the Year 1746, that they would willingly Support the Government, by giving his Excellency £. 1000 for two Years immediately out of the Treasury, and also £. 1000 out of the first Interest Money which should arise by the new Bills for making 40,000 £. provided he would Sign the few Bills which were then passed by both Houses, ready for his Assent, as appears by their Message of May 7. 1746, and he at that Time was so far from having any Objections to the said Bills, that he returned the following Answer.

— “ So now it plainly appears, that when they might have had all the Acts they pretended to desire, and were seemingly so fond of, and the Forty Thousand Pound Bill passed with a suspending Clause, they refuse to have them upon the Terms they have hitherto asked them. I will (as I have assured them) pass the Bills they seem so fond of on Condition, they join in Supporting the Government in as large and ample a Manner as usual, and not otherwise. By this their Constituents may see, that they might have had the Forty Thousand Pound they desired, if His Majesty would be pleased to approve of it.

By which Your Excellency may observe, the Mistake of that Representation to the Board of Trade, of the Salary's being withheld merely on Account of

of his Adherence to his Duty, and Obedience to the Directions of that Board, and plainly see, that it was not any Objection he had to the 40,000 £ Bill, that actually being offered with a suspending Clause, as all others of the kind offered by the Assembly of New-Jersey to him had been, and which he said they might have had on the Terms there proposed.

From whence your Excellency will observe, that he refused to do the Duties of Government, except the Assembly would give him such a Salary as he asked, and in his own Mode and Way, which without resigning their Liberties they could not do:

That from the foregoing Remarks, with his refusing to do the Duties of Government, the House conceive their Dissent from what His Excellency has recommended with respect to the said late Governor MORRIS will appear both just and reasonable; but to put the Matter beyond dispute they beg leave further to remark, that altho' Governor MORRIS in his Life Time did, and his Executors now do insist upon the Payment of what some are pleased to term Arrears; yet the House have his own Opinion in a similar Case to justify their not allowing them. For during the Time that Lord CORNBURY was Governor of this Colony, many Irregularities having crept into the Administration, and the said Governor MORRIS being at that Time one of the most leading Men in the House of Assembly, they thought proper to withhold the said Lord's Salary, for the two last Years of his being Governor; and notwithstanding great Endeavours were used to obtain it, yet the House do not find, that either he or his Executors were ever allowed one Farthing.

That the House hopes his Excellency will be sufficiently satisfied that nothing can be reasonably Demanded on Account of the said late Governor MORRIS's pretended Arrears, it being a Subject so universally disliked in this Colony, that there is none, except those who are immediately concerned in point of Interest, or particularly influenced by those who are, will say one Word in its Favour.

That it is altogether unlikely any Assembly in this Colony will ever look upon that to be a just Debt, or apply any Money for the Discharge thereof and that they cannot conceive the further Recommendation of it will be of any Advantage to the said Executors.

A Message from the Council by Mr. Kemble, which was read, and is in the following Words,

October 16th, 1749.

* Ordered,

* That Mr. Kemble do acquaint the House of Assembly, that this House taking into Consideration the Message of the Assembly of the 13th, do observe, that that House does not deny but that the two Facts pointed out by the Message of this House of the 12th, are implied by the Words of the *Support Bill* there set forth, and observe, that the House of Assembly have not pointed to any Act or Acts now in being, to enable this House

with Truth and Veracity to Assent to and pass as their Act, the Parts of the said Bill which imply those Facts; and are well assured that the House of Assembly cannot point to any such, because none such are in being. And further observe, that the House of Assembly's *not knowing it to be the Case, that there was no Money in the Treasury, nor any likely to come into it by Virtue of Laws now in being*, is far from being a Reason sufficient for our asserting the said two Facts by our Assent thereto; thinking it should be our Knowledge of Facts that should induce us to assert them, and not *the not knowing but that they may be true*. We do further observe, that if the Quota Bill had been passed by the whole Legislature, and it had Enacted that Money should be raised by virtue of it, yet that would have been no Justification to this House to have asserted any Part of the first of the said two Facts, nor would that have justified our asserting the first Part of the second Fact; but as no Money whatsoever is enacted to be raised by the Quota Bill, far less would it be a Justification to assert the said Facts. This House doth further observe, that the House of Assembly could have no just Hopes at the Passing said *Support-Bill*, that this House should have assented to the *Quota-Bill* in the Form sent up, as by the Message is ailedged, seeing they well knew that this House conceived it in that Form to be repugnant to one of His Majesty's Royal Instructions; and that would the House of Assembly have removed that one Objection, this House would have long ago passed it, tho' liable to other strong Objections. And as the House of Assembly are pleased (by the said Message, and by their Addreſs presented to His Excellency in Council, on the 14th Instant) to lay the Blame of the not passing that Act, and the Want of Money in the Treasury to the Charge of this House; We think it incumbent upon us, in order to obviate those Charges, to give a brief State of Facts concerning that Bill, by which it may be seen whether those Charges be just.

' A brief State of Facts concerning the Quota-Bill.

By the printed Minutes of Assembly of *January 21st, 1747*, it appears that the Council had assented to, and passed that Bill, and sent it down to the Assembly with three Amendments, and desired their Concurrence thereto. Whereon the Assembly agreed to the first of the three Amendments, and disagreed to the second and third.

By the same Minutes of *February 10th, 1747*, it appears that the Council adhered to their said second and third Amendments, and requested a Conference. But the Assembly refused to confer with them thereon.

By the same Minutes of *December 2d, 3d. and 7th, 1748*, it appears that the Council had assented to, and passed a second Bill of the same Tenor with fundry Amendments, and desired the Concurrence of the Assembly to the Amendments; and that that House rejected the Amendments; and that the Council adhered to their Amendments.

By the Minutes of the Assembly of *December 13, 1748, page 52*, it appears, that the Council concerning that Matter, by a Message of the 12th acquainted the Assembly in these Words;

" The

' The Law to enable the Legislature to settle the *Quota's* of each County, might have been had last Session at *Burlington*, and may still this Session be had; for no Difference on that Head was or is between the two Houses, but upon one of His Majesty's Royal Instructions to His Excellency, to this Purpose, *viz.* *That He shall not give His Assent to any Act which lays any Tax upon unprofitable Lands.* The *Quota*-Bill as sent up to this House, did in the Opinion thereof, break in upon that Instruction, (tho' both Houses were previously furnished by His Excellency with a Copy of it.) The Words in the Bill as it came up were nearly these, *All profitable Tracts of Land, held by Patent, Deed or Survey; whereon any Improvement is made,* were to be taxed: This House conceived those Words gave room to break in upon the said Instruction, by giving too great a Latitude to the Assessors; for there are few Tracts but what contain some unprofitable Lands, and if any, it was contrary to that Instruction to tax them. The Bill was sent down to the Assembly amended so as they conceived would be agreeable to the said Instruction: The House of Assembly rejected the Amendment, and this House sent the Bill back to them with an Adherence to the Amendment, and it lies at the Door of the Assembly to demand a Conference on that Head; and we declare it as our Opinion, that the Bill ought to be as yet passed this Session with or without a Conference, upon the Assembly's agreeing in any Manner to make it conformable to the said Instruction: For in this Time of Danger, and when supplying the Treasury is so necessary, we think in any Thing that may tend to that End, that Ceremonies are not to be insisted on: We declare ourselves also ready to agree to shorter Times for having the *Quota's* returned than in that Bill are mentioned; seeing that Bill, were it passed, cannot enable the Legislature by any other Act to bring any Money into the Treasury in less than a Year to come, and no Money is now in the Treasury either for the usual Charges of Government or for the extraordinary Necessities thereof, at this Time when it is so much wanted.

' We cannot but observe that there's an absolute Necessity at this Time of supplying the Treasury for the above extraordinary Charges of Government at any possible Rate, and we make no Doubt that there are many Ways of doing it forthwith, without the Aid of that Bill; such as a short Act empowering the Treasurers to borrow Money at lawful Interest on their Notes and upon that Act; and we doubt not but that any Sum needful could in a few Weeks by that Means be raised.

' By the Minutes of the Assembly of *March 14, 1748-9*, it appears that a third Bill was brought in for the same Purpose, which the Council had assented to and passed with one Amendment, and desired the Concurrence of the Assembly thereto; and that that House rejected the said Amendment.

' By the Minutes of *March 16, 1748-9, page 26, 27*, it appears that the Council sent to the Assembly a Message for a Conference, by which the Amendment insisted on by the Council appears verbatim, which Message is in these Words,

A Mes-

‘ A Message from the Council by Mr. Smith, in the Words following.

‘ This House taking into Consideration the Message from the House of Assembly delivered this Morning by Mr. Lawrence and Mr. Hancock, in relation to the Amendment made to the Quota-Bill in these Words;

“ Whereas by the Royal Instructions to His Excellency the Governor, he is directed in these Words, *Provided always, that you do not consent to any Act or Acts to lay any Tax upon unprofitable Lands.* It is hereby declared that nothing in this A&t is meant or intended, to break in upon the said Instruction, or to Warrant the Ass-tlors to put any unprofitable Lands into the said List, or Account of things so to be taxed.”

‘ And this House conceiving themselves in Duty bound not to deviate from, or pass any Law contradictory to His Majesty’s Instructions, are unanimously of Opinion, that they cannot be consistent with the said Instruction, pass the said Bill, without that Amendment; wherefore this House doth unanimously *Resolve* to adhere to the said Amendment; and do *Order*, that Mr. Smith do acquaint the House of Assembly therewith, and request a Conference on the Subject-Matter of the said Amendment, and acquaint the House of Assembly that this House have appointed Mr. Alexander, Mr. Morris, and Mr. Kemble, a Committee to confer with such Committee as the House of Assembly shall appoint on the said Subject-Matter, and that the said Committees do meet at the House of John Trapnall, in this City, To-morrow at Five o’Clock in the Afternoon.’ March 15, 1748.

‘ By the Minutes of the same 16th of March, 1748-9, it appears that the Assembly refused the Conference requested for Reasons there mentioned, and as the Council conceived that so much of those Reasons as were of any Weight were obviated by the Messages herein before set forth, they then declined saying further on that Matter.

‘ By the Minutes of Council and Assembly of October 11th Instant, and by the Bill now before the Assembly, it appears that a fourth Bill was sent up to the Council, liable to the same Objection as the third; and that the Council had assented to it, and passed it with an Amendment in the very Words of the Amendment before set forth, which they had made to the third Bill, and requested the Concurrence of the Assembly thereto; but they rejected the Amendment; and the Council adhered to their Amendment, and sent the Bill back with it to the Assembly that if they pleased they might demand a Conference.

‘ From these plain and undeniable Facts appearing in the Assembly’s own Minutes, and the said Quota-Bill now before that House, it is evident that the Council have not refused their Assent to, or to Pass that Bill, and that the Officers and Creditors of the Government cannot with Truth ascribe the Injustice done them to the Council, as by the Assembly in their said Message and Address is groundlessly alledged, and that the not passing the Quota-Bill lies solely at the Door of the Assembly: For that by the preceding

ceeding Facts it appears, that after the Assembly had agreed to one Amendment to it, they themselves twice drop'd the Bill by their refusing each Time a Conference upon the other Amendments to it when demanded by the Council, and they have once already drop'd it by neglecting to demand a Conference with the Council on the Matter of the Amendment, and it is in the Breast of that House whether they will now demand a Conference upon it or drop the Bill.

The Quota-Bill as it stands, the Council conceived was liable all along to another strong Objection, for that it requires only the Quantity of Lands to be taken and put in the List of Things to be taxed; so that all Lands must be taxed according to their Quantity, and not their Value; whereas its notorious that there is so great a Diversity in Lands, both in their Situation and Soil, as to make one Thousand Acres of Land of ten Times more value than another Thousand Acres, even of profitable Lands; by which the Owners of poor Land will pay ten Times more Taxes for their Lands than the Owners of rich Lands are to pay, in Proportion to the Value: How unequal such a Taxation would be, is too obvious to need our enlarging upon it.'

Ordered,

That the Consideration thereof be deferred till the Afternoon.

The House adjourn'd to Two P. M.

The House met, and adjourn'd till To-morrow Morning 9 o'Clock.

Wednesday, October 18. 1749.

The House met.

The House having considered the Message of the Council of Yesterday.

Ordered,

That Mr. *James Smith* and Mr. *Bispham* do wait on the Council, and acquaint them, that this House taking into Consideration the Message of the Council of Yesterday by Mr. *Kemble*, do observe with some Concern, how fond they are of making use of the Assembly's not pointing out to them the Acts now in being, to enable them, as they say, with Truth and Veracity to assent to and pass as their Act, the Parts of the Bill *for Support of Government*, which, they say, imply the Facts they mention.

These Facts, as the Council are pleased to term them, are the same in this Bill as they were in the Bill *for Support of Government* of last Year, and were then by their passing that Bill, thought by them not to be inconsistent with Veracity and Truth; and why they are so now more than they were then, the House are at a Loss to know, except it proceed from an Inclination in the Council to stop the Passage of that Bill, and thereby prevent the Government being supported, which they would willingly hope is not the Case.

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As those Facts are inserted in the Council's Message of the 13th Instant on this Head, they need not be again repeated, to shew that nothing therein contained either is in the Assembly, or would be in the Council inconsistent with Truth and Veracity to assert, and this they think every Person that will impartially peruse them will conclude to be the Case; notwithstanding the Council are pleased to assert, *That they are well assured that the House of Assembly cannot point to any such Acts, because none such are in being.* The intelligent Manner of Wording that Bill, with the Knowledge the Council might have of the Possibility of Money coming into the Treasury to answer in Part, if not in the Whole, the Payments confessed by that Bill to be due to the Officers of the Government, the Assembly thought might have excused them from pointing out the Facts the Council are pleased to call by that Name; yet for the Sake of setting this Matter in a true Light, and to shew that the Assembly have done what they could do to Support the Government; We shall first observe, to such as are willing to understand us, that there is yet an Act in being for making *Forty Thousand Pounds*, approved by His Majesty; from the Loan of that Money, Interest is yet arising and payable into the Treasury, subject to be applied as by this Bill is directed to *Support of Government*. The Council may object, that the Province is more in Debt than that Money will pay; it is true we know it, at the same Time we also know, that the Payment of that Debt might be postponed for some Years longer, and in this our distressed Condition the said Interest-Money made use of as it hath heretofore been, for the *Support of Government*. We think the Council could not but know that they joined the other Branches of the Legislature in passing a Bill in the Year 1747. for making current 40,000*l.* which was sent Home for His Majesty's Approbation; We presume the Council cannot yet know that that Bill has been disapproved by His Majesty, neither can they foresee but His Majesty may approve the said Bill, nor but that he hath done it before this Time, in which Case how can they with Veracity and Truth say, *none such are in being*. If that Bill should be assented to by His Majesty, the Interest-Money arising from thence is subjected to, and would pay the Money given in this Bill in case the Assembly cannot obtain a Quota-Bill to enable them to do it sooner; from all which it will plainly appear, that the Council are not under any Necessity of assenting to said Bill from the *Assembly's not knowing that the Facts may be true, &c.* but that they might have had Knowledge of their own, sufficient to have supported them in assenting to such Facts as that Bill contains, and may yet do it if they see fit.

What the Council say concerning the Quota-Bill's not enabling them to assert the Facts they mention, if it had passed into a Law, is already sufficiently answered to the intelligent Reader; it will suffice for the Assembly to say, that it would have answered all the salutary Ends set forth in the Message of this House of the 13th Instant to the Council.

As the Reasons offered to the Council by the Assembly in *March* last for their dissenting to the Amendment, so called, of the Council, to the Quota-Bill and clearing that Bill from infringing on the Instruction there mentioned, remain to this Time unanswered, the House of Assembly had Hopes at
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the passing the *Support-Bill*, that the Council would have assented to the *Quota-Bill* in the Form sent up, from the Reasons made use of in that Message, which in the long state of Facts they have taken the Pains to collect, We observe they have carefully avoided to recite, and therefore to revive them in their Memory, We shall recite them as followeth:

Ordered,

" That Mr. *Spicer*, and Mr. *Fisher* do wait on the Council and acquaint them, that this House having Deliberately considered their Message of this Day, are of Opinion, that notwithstanding the Motives this House acted upon in refusing their Amendment to the Bill, to enable the Legislature to settle the Quota's, are in themselves sufficiently just and reasonable, yet as the Council seem to look upon them in another Light, We esteem it necessary to declare, that the Bill, as passed by this House, is not only conformable to former Laws of this Province, but in the Part proposed to be amended is fully and clearly expressed; and that the Royal Instruction, as related in the Councils Message, doth not (as we conceive) at all Clash or interfere with the Words, used by this House, in the said Bill, which Words, amongst other Things, in declaring what may hereafter be made Taxable, are as follows; *the whole of all profitable Tracts of Land held by Patent, Deed or Survey, whereon any Improvement is made.* As the natural and obvious Import of these Words, as they stand in the Bill, is only to enable the Legislature hereafter to know the Quantity of profitable Tracts of Land, whereon Improvements is made. And as the Royal Instruction forbids the Governor to give his Assent to Tax unprofitable Lands, that is, as the Taxing profitable Lands only, and the not Taxing unprofitable Lands, seems in no respect inconsistent with each other; We are at a Loss to Account for the different Sentiments upon this Matter; or why the Council should unanimously be of Opinion that they cannot consistent with the said Instruction pass the said Bill without their Amendment, especially as there appears such a necessity of the said Bill, at this Time to Support Government, and Discharge the Debts of the Province, and which is the third of the kind passed by this and the last Assembly, within Fifteen Months past; and besides that Experience proves it to be clear from any ill Consequences. The allowing the Governor to have been the proper Judge of his own Instructions in this Matter, could have been of no great Disadvantage, as the Alteration proposed differ but little, as to Matter of Substance, at least in the Opinion of this House, who notwithstanding cannot but set too just a value upon the natural Rights and Priviledges invested in the Representative Body of this Province, than to consent to any Alteration in a Bill which so nearly Affects the Priviledges of the People We represent, in which We hope to be excused by the Gentlemen of the Council, however fond they may be of making the Thing in Dispute of as much Consequence as actually laying a Tax: This House however upon the whole, do unanimously refuse to confer upon a Subject that is really laying a foundation for it. March 16, 1748-9.

And notwithstanding what they now say, of so much of the Reasons as were of any weight being obviated by the Message herein before set forth, the Assembly

Assembly are of quite a contrary Opinion, and that what they have now said hath no Tendency to obviate the Reasons of that Message, neither will the Council be able so shew Reasons to obviate the Facts therein contained, which have by long Experience obtained the universal Approbation of the Inhabitants of this Colony.

The long State of Facts set forth by the Council, serve to shew how often they have amended the *Quota Bill* in such a Manner as the several Assemblies could not agree to, and also to shew, that they have not refused their Assent to the said Bill so amended, the Assembly however are not convinced but that the amending a Bill in such a Manner as they can by no Means agree to it, is equally fatal to the Bill so amended, as if they had refused their Assent to it.

To the other strong Objection, the Council say the Bill was always liable to, it is without Foundation, one of their own making, there being nothing in the *Quota Bill* relating to the value of Lands, neither any Thing that would hinder the Legislature, which enacts a Law for levying a Tax from Empowering the Assessors to put a discretionary Value on the Lands, or other Things, or otherwise as the Legislature should think proper.

Mr. *Leaming* reported, that Mr. *Fisher* and himself delivered the Message of the House to His Excellency.

The House adjourn'd to Two P. M.

The House met.

Mr. *Saltar* brought back from the Council the Bill for the Support of Government, &c. with sundry Amendments made thereto by that House, to which they desire the Concurrence of this House.

The House taking the same into Consideration.

Resolved, nemine Contradicente,

That the Council have no right to amend any Money Bill whatever, therefore, they do reject the said Amendments, and adhere to the Bill.

Ordered,

That Mr. *Spicer*, and Mr. *Fisher* do wait on the Council with the said Bill and Amendments, and acquaint them, that the House look upon their amending the said Bill, to be a manifest Infringement upon the Rights and Privileges of this House, and those whom they Represent:

Mr. *James Smith* reported, that Mr. *Bilpham* and himself delivered the Message intrusted with them, to the Speaker in Council.

The House adjourn'd till To-morrow Morning 9 o'Clock.

Thursday;

Thursday, October 19, 1749.

The House met.

A Motion was made that a Copy of a Petition from the Council of Proprietors of the Eastern Division of New-Jersey to his Majesty (which Copy was transmitted here by the Agent of this Colony) be entered on the Minutes,

Ordered,
That the same be Entered accordingly, and is as followeth.

To the KING's Most Excellent MAJESTY.

The Petition of the Council of Proprietors of the Eastern Division of New-Jersey, in behalf of themselves and the rest of the General Proprietors of the Soil of the said Eastern Division, and other His Majesty's Subjects therein.

Most Humbly Sheweth,

THAT New-Jersey, among other Tracts of Land in America, was granted by King CHARLES the Second, to His Royal Highness JAMES Duke of York, and by him conveyed to Lord BERKLEY, and Sir GEORGE CARTERET, in the Year 1664, who began to plant and improve the same: That Sir GEORGE CARTERET being by a Partition intituled to the Eastern Part of the said Province, made considerable Improvements and brought into the Province great Number of Inhabitants, to whom he gave Lands as an Encouragement upon small Rents.

That the said Eastern Part or Division of New-Jersey, together with the Powers of Government, were under the said Sir GEORGE CARTERET, after conveyed to Twenty-four Persons, who were called the General Proprietors; and who went on in Planting and Improving the said Province at their own very great Cost and Charge.

That the said Proprietors exercised the Powers of Government in the said Province from the Time of their Grant in 1664, till the Year 1702, when they made a Surrender thereof to the Crown, reserving to themselves the Rents and Soil and all Things granted them as aforesaid, the Government only excepted.

That her late Majesty Queen ANNE, of glorious Memory, was graciously pleased to accept of the said Surrender, and to take the said Province of New-Jersey, under her immediate Administration and Government, and was also most graciously pleased upon her Royal Word, to promise the Protection of the Crown of England, to the Proprietors and People of New-Jersey, in all their Civil and Religious Rights.

That Your Majesty's Petitioners, their Ancestors and Predecessors have always demeaned themselves with great Submission to the Royal authority, and

to the Government and Laws exercised in the said Province, and hoped to have their Rights and Properties maintained and protected by these Laws, to which they had been so Obedient and Submissive.

But so it is, May it please Your Majesty.

That great Numbers of Men taking Advantage of a Dispute subsisting between the Branches of the Legislature of this Province, and of a Most unnatural Rebellion at that Time Reigning in *Great-Britain*, entered in a Combination to subvert the Laws and Constitution of this Province, and to obstruct the Course of legal Proceedings; to which End they by their Practices, by false Tales and wicked Insinuations, artfully invented and industriously spread abroad, endeavoured to infuse into the Minds of the People, that neither Your Majesty nor Your Noble Progenitors, King's and Queen's of *England*, had any Right whatsoever to the Soil or Government of *America*, and that Your Majesty's and their Grants thereof were void and fraudulent; and having by those Means associated to themselves great Numbers of the Poor and Ignorant part of the People of this Province, they in the Month of *September 1745*, began to carry into Execution their wicked Schemes, when in a riotous Manner they broke open the Goal of the County of *Essex*, and took from thence a Prisoner, there confined by due Proceeds of Law, and have since that Time gone on like a Torrent, bearing all down before them, disposessing some People of their Estates and giving them to their Accomplices; Plundering the Estates of others who do not join with them; and dividing the Spoil amongst them, breaking open Your Majesty's Prisons as often as any of them are committed, and rescuing their Accomplices from thence, and keeping Daily in armed Numbers, and traveling often in armed Multitudes to different Parts of this Province for those Purposes, to the great Damage and Terror of the People, and trampling upon all Law and Authority; so that Your Majesty's Government and Laws have for above Three Years last passed, ceased to be that Protection to the Lives and Properties of the People here; which Your Majesty intended they should be.

And Your Petitioners do further shew to Your Majesty, that these bold and daring People, not in the least regarding that Allegiance which is due to Your sacred Majesty, have presumed to establish Courts of Justice, and appointed Captains and Officers over Your Majesty's Subjects, to lay and collect Taxes, and to do many other Things in Contempt of Your Majesty's Authority, to which they refuse to pay any kind of Obedience.

That all the Endeavours of the Government and Magistrates here, to put the Laws in Execution, have been hitherto in vain; for notwithstanding many of these common Disturbers stand indicted for High Treason, in levying War against Your Majesty, yet such is the Weakness of this Government, that they have not been able to bring one of them to Tryal and Punishment.

That Your Majesty's Petitioners have long waited in Expectation of a vigorous Interposition of the Legislature of this Province, in order to give Force to the Laws, and to enable Your Majesty's Officers to carry them into Execu-

Execution: But the Houle of Assembly, after neglecting the Thing for a long Time, have at last refused to afford the Government any Assistance; for Want of which Your Petitioner's Estates are left a Prey to a rebellious Mob, and Your Majesty's Government exposed to the repeated Insults of a Set of Traitors.

That Your Majesty's Petitioners have in vain applied to the Legislature here, for that Protection which they think themselves entitled to, as faithful Subjects to Your Majesty, and having not the least Hopes or Expectations that their Persons or Properties will be protected by their own Legislature, do find themselves under a Necessity of laying this their Petition at the Feet of Your most Sacred Majesty, the gracious Guardian and Protector of all Your faithful Subjects.

Your Petitioners therefore in Behalf of themselves and the rest of Your Majesty's faithful Subjects within this Province, do humbly beseech Your Majesty to take the deplorable Cate of this Your Province of New-Jersey into Your Consideration, and to put a Stop to the said growing Rebellion therein, by such Ways and Means as Your Majesty in Your great Wisdom shall think fit; that Your Majesty's Authority and Laws may be therein restored and preserved; and Your Petitioners and other Your Majesty's loyal Subjects may by and under them be protected in the Enjoyment of their Lives and Properties. And Your Petitioners as in Duty bound shall ever pray, &c.

Perth-Amboy,
December 23d, 1748.

By Order of the Council of Proprietors.
ANDREW JOHNSTON, President.

Then a Motion was made, that an humble Petition be presented to His Majesty, in Vindication of the Conduct of the former and present Assemblies of this Colony; which was agreed to by the House, *nemine Contradicente*.

And with leave, Mr. Fisher presented a Draught thereof to the House, which being read Paragraph by Paragraph, and several Alterations made therein, it was agreed to by the House, *nemine Contradicente*, and ordered to be Engrossed; and is as followeth;

To His most Sacred Majesty GEORGE, the Second, over Great-Britain, France, and Ireland, KING, Defender of the Faith, &c.

The Petition of the House of Representatives of the Colony of New-Jersey in General Assembly convened.

Most humbly Sheweth,

THAT the Proprietors of the Eastern Division of this Colony, from the first Settlement thereof, have surveyed, patented, and divided their Lands by Concessions amongst themselves, in such Manner as from thence many Irregularities have ensued, which have occasioned Multitudes of Controversies and Law-Suits, about Titles and Boundaries of Lands.

That

That the Inhabitants of this Colony have hitherto fully demonstrated their Principles of Duty and Loyalty to the Government, as by the Laws of Great-Britain it is established in Your illustrious House, by Supporting of Government to their best Ability; granting Aid in Time of War, when required by any Intimations of the Royal Pleasure; and by a ready Submission to the Laws of the Land, excepting of late some imprudent People have in a riotous Manner obstructed the Course of legal Proceedings brought against them, by their Antagonists, touching some of those Controversies about Lands.

That those Controversies have subsisted between a Number of poor People on the one Part, and some of the rich, understanding and powerful on the other Part, among whom are *James Alexander*, Esq; a great Proprietor, an eminent Lawyer, one of Your Majesty's Council and Surveyor General for this Colony, although a Dweller in *New-York*; and *Robert Hunter Morris*, Esq; Chief-Justice, and one of Your Majesty's Council in said Colony.

That they the said *Alexander* and *Morris* not yielding to determine the Matters in Contest by a few Trials at Law, as the Nature of the Thing would admit, but on the contrary, discovering a Disposition to harass those People by a Multiplicity of Suits, the last mentioned became uneasy (as We conceive) through fear those Suits might be determined against them, when considered that the said Chief Justice *Morris* was Son of the then late Governor *Morris*, by whose Commission the other Judges of the Supreme Court acted; and by whom the then Sheriffs throughout the Colony had been appointed. And should a Multiplicity of Suits have been determined against those People, instead of a few only, which would have answered the Purpose, the extraordinary and unnecessary Charges occasioned thereby, would so far have weakened their Hands as to render them unable to appeal to Your Majesty in Council, from whom they might expect impartial Justice.

That those are, in the Opinion of the House, the Motives that prevailed on those unthinking People to obstruct the Course of those legal Proceedings, and not any Disaffection to Your Majesty's Person or Government.

That the said late Governor *Morris*, during his Administration, exercis'd the Royal Powers with him intrusted by Your Majesty, very detrimentally, to the Welfare of this Your Majesty's Colony, as is more particularly set forth in a Message to His Excellency our present Governor, a Copy of which we beg Your Majesty's Leave to suffer our Agent to lay before You; which with other Reasons induced the Assemblies towards the latter Part of his Administration to propose providing for his Support, on Condition he would do the Duties of Government, which was the Reason he would not accept it, and therefore died without having any Salary for about Twenty Months, during which Time he appeared highly incens'd against those Assemblies, and endeavoured by Insinuation to charge the Irregularities of those imprudent People to a Want of Loyalty to Your Majesty.

That

That since the said Governor's Decease, his Son the said *Chief Justice* has kept up his Father's Resentment against the late and present Assembly, for not making Provision for Payment of what he calls his Father's Arrears, and seems inclinable to improve any Thing he can to the Prejudice of those Assemblies; and because they have been disinterested in the private Contests about Lands and so have preserved a strict Indifference between the contending Parties, without favouring his Interest, we understand, he and his Adherents have from thence taken Occasion to charge those Assemblies with abetting those disorderly People, which We presume gave Rise to a Petition said to be transmitted to Your Majesty by the Council of Proprietors of the said Eastern Division of this Colony, of which We have a Copy, wherein divers Facts are set forth that We don't admit to be true : And as the principal Men of the said Council of Proprietors are likewise the most leading Men in Your Majesty's Council here, We have some Reason to expect something of the like Nature either hath already been, or will hereafter be sent to Your Majesty from them, to obviate which, as far as may concern the Conduct of the Assemblies, We further beg leave that Your Majesty will suffer our Agent to lay before You, the Copy of what we have said to His Excellency our present Governor on that Head in our Address.

That as an Argument of the Loyalty of those Assemblies, we may with great Humility remark, that they have with a most cheerful Alacrity, granted upwards of 24,000l. to aid Your Majesty in the late War against the Powers of *France* and *Spain*, including a Loan to Your Majesty for Arming and Clothing the Forces raised in this Colony, upon the late intended Expedition against *Canada*, in pursuance of Your Royal Pleasure signified by the Duke of Newcastle's Letter of April 9th, 1746. And by the Zeal of those Assemblies for the Success and Glory of Your Majesty's Arms, this poor Colony is greatly involved in Debt ; and to relieve them therein, a Bill for striking 40,000l. in Bills of Credit has been transmitted, with a suspending Clause, for Your Majesty's Assent, which We humbly pray may obtain it, or otherwise this Colony will be in a most distressed Condition.

That as a further Instance of the Assemblies Loyalty, they have within less than two Years, passed four several Bills at different Sessions, for enabling the Legislature to settle the *Quota's* of each respective County in this Colony, as a preparatory Step for levying Provincial Taxes for Supply of the Treasury, to the End Government may be Supported in an Honourable Manner, and the Debts of the Colony discharged, with all convenient Dispatch. But so it is, May it please Your Majesty, that the Council have hitherto amended those Bill in such Manner that the House could by no Means agree to, under préférence that some Part of them is repugnant to one of Your Majesty's Instructions, which We understand in a different Light, and do find the Part objected against by them conformable to a former Law of this Colony, consistent with the said Instruction, and agreeable to Justice and Equity, so that those Gentlemen's repeated Dissent to that Bill, seems to discover some sinister Views in them, they being possessed of large Tracts of profitable Lands which by the said Bills, as passed by the Assemblies, would have been liable to be taken an Account of in order to be hereafter Taxed.

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That

That as the preceeding Assemblies of New-Jersey, have hitherto Demonstrated their firm Attachment to Your Majesty's Person and Government, so We, as by Duty and Interest We are obliged, shall always continue to do the same, humbly Beseeching Your Majesty will be graciously pleased to continue to Your loyal Subjects of this Colony, Your Royal Countenance in such Manner as You in Your Wisdom shall see meet. And We Your Majesty's Petitioners as in Duty Bound shall ever pray, &c.

Several of the Members of the House, being of the People called Quakers agree to the Matter and Substance of this Petition with their usual Exemption to the Stile.

By Order of the House,

SAMUEL NEVILL, Speaker.

A Message from the Council by Mr. Saltar, which was read, and is as followeth.

Ordered,

That Mr. Saltar do acquaint the House of Assembly, that this House taking into Consideration the Message of the House of Assembly of the 18th; by Mr. Smith and Mr. Bispham, do observe thereon, that if this House erred in passing of the Bill for Support of last Year, its a reason for Repentance of that Error, and not for repeating it; if We then erred We believe the Minutes of both Houses of that Time will plead our Excuse, as thereby it will appear, that other Things of more Moment engrossed Our Attention, and that the Impatience of the Houte of Aſtembly left Us too little Time to consider that Bill. We do further obſerve, that tho' an Act for making Forty Thousand Pounds, approved by His Majesty be in being, and that from the Loan of that Money Interest is arising and payable into the Treasury, yet no Part of that Interest does now remain to be applied by this Act, because its all applied by former Acts of the Legislature. This House observed no Words in this Bill, nor in that of last Year, to Repeal or Postpone that Application, and if We had, we ſhould have conceived it Our Duty either by an Amendment to have expunged them, or incerted a Clause declaring the Act not to take Effect till the Royal Aſſent had thereto, pursuant to His Majesty's 19th Instruction, communicated by His Excellency to the Houſe of Aſtembly on the 28th of November laſt.

We do well know that We joined the other Branches of the Legislature in passing a Bill in the Year 1747, for making current Forty Thousand Pounds, and that that Bill had a Clause in it, declaring it of no Force till His Majesty's Royal Approbation ſhould be had thereto; and We do not know nor believe that that Approbation is had; and therefore it is not *such an Act in being* as could justify Our asserting the Facts pointed out by Our Message of the 13th. The Possibility of its being in Force, being no ſufficient Reason for Us to assert it to be in Force; eſpecially as this Houſe is well informed, as We doubt not the Houſe of Aſtembly are, that that Bill is reported for His Majesty's disallowance.

This Houſe is of Opinion that the Aſtembly's Message of March 16, 1748-9, now ſet forth at large in their ſaid Message of the 18th, adds weight

weight to the Message of this House of the 17th Instant instead of obviating it.

That there's nothing in the *Quota-Bill* relating to the Value of Lands is the very objection We offered to it, for the Value of a Thing ought to be the Rule for Taxation and not the Quantity of it, as by the *Quota-Bill* is now intended.

A Message from the Council by Mr. *Saltar* in the following Words.

Ordered,

That Mr. *Saltar* do carry to the House of Assembly the Bill for the Support of the Government, &c. with the Amendments made thereto, and acquaint them that this House have come thereon, and on the Message of the House of Assembly therewith, to the following Resolutions.

Resolved,

That this House doth adhere to the said Amendments.

Resolved,

That this House hath a Right to make all the said Amendments to the said Bill, and that no Persons whatsoever have a Right to oblige this House to assert Facts contrary to Truth.

Resolved,

That none of the Amendments which this House hath made to the said Bill, are any Infringement upon the Rights and Privileges of the House of Assembly or those whom they Represent.

The House adjourn'd to Two *P. M.*

The House met.

A Motion being made, that a Representation respecting the Demands of an Arrearage of the late Governor *Morris*'s Salary be sent to the Lords Commissioners for Trade and Plantations; and a Draught of the same, with leave, being presented to the House, it was read, and, with some Amendments, was agreed to, and ordered to be Engrossed, and is as followeth,

To the Right Honourable the Lords Commissioners for Trade and Plantations.

The Representation of the House of General Assembly of the Colony of New-Jersey, convened at Perth-Amboy. October 19, 1749,

Sheweth,

THAT it has on the 5th Day of this Instant, been recommended by His Excellency Governor BELCHER, to this House to make Provision for Payment of an Arrearage of Salary due (as he is pleased to term it) from this Colony to the late Governor MORRIS at the Time of his Death, which Recommendation

mendation appears to be the Effect of Your Lordship's Letter to the said Governor BELCHER, dated *Whitehall, November 25th, 1748*, an Extract of which being laid before us, We have perused and from thence do find Your Lordships press the Matter above-mentioned upon Account of the said late Governor's strict Adherence to the Directions of your Lordship's Board, touching his Dissent to a Bill for striking 40,000l, in Bills of Credit, and also in regard to a Petition preferred in behalf of the Executors of the said late Governor, respecting the Premises, which Petition sets forth, that his Representatives suffer on Account of his Adherence in Manner aforesaid.

Wherefore We have taken the Premises into our Consideration, and in deliberating thereon, have had Recourse to the Journals of the House, from whence We find, the Representatives of the said late Governor do not suffer for his Adherence in the Manner set forth in the said Petition, he having agreed to pass the said Bill on Condition the Assembly would comply with his Terms, which not being granted, the Bill droppe'd: But true it is, that the said Governor had no Salary set apart for him from the 23d of September, 1745, down to his Death, which happened the 21st Day of May, 1746, but this was owing to his own Obsturacy in not accepting it in the Manner the Assembly thought proper to offer it, and to the Abuse of the Royal Powers with him entrusted, which he exercis'd to the great Prejudice of the Publick; and therefore We cannot think it consistent with our Duty to make any Allowance to his Representatives, and have urged his Misconduct for our Justification herein, together with a Precedent which he himself was principally concerned in establishing in a similar Case, all which We have signified by our Message of the 17th Instant to Governor BELCHER, for a Perusal of which, and a particular State of the said late Governor's Conduct, we refer your Lordships to printed Copies of the Journals of this House from his Accession to the Government down to this Time, which we have ordered *Richard Partridge, Esq;* our Agent in *London*, to lay before you, where every thing herein either suggested or set forth, will at large appear, and by which we conceive your Lordships will be convinced that no Allowance ought to be made the said Representatives.

Several of the Members being of the
People called Quakers, agree to the
Substance of this Representation with
their usual Exception to the Stile.

By Order of the House,

SAMUEL NEVILL, Speaker

The House adjourn'd till To-morrow Morning 9 o'Clock.

Friday, October 20. 1749.

The House met.

The engrossed Petition to His Majesty was read and compared,

Ordered,

That Mr. Speaker sign the same, which he did accordingly, having first declared his dissent thereto.

Ordered,

Ordered,
That Mr. Speaker sign two Duplicates thereof.

The engrossed Representation to the Lords Commissioners for Trade and Plantations, with two Duplicates thereof, were read and compared,

Ordered,
That Mr. Speaker sign the same, which he did accordingly, having first declared his Dissent thereto.

Resolved, nemine Contradicente,
That Richard Partridge, Esq; be still continued Agent of this Province at the Court of Great-Britain.

Resolved, nemine Contradicente,
That it is the Opinion of this House, that Provision ought to be made (as soon as a Law can be obtained) for the Payment of such Sums of Money as the said Agent hath expended, and shall expend in the Service of this Colony.

Ordered,
That Richard Smith, jun. William Cooke, John Eatton and Robert Lawrence, Esqrs. do correspond with Richard Partridge, Esq; Agent of this Colony; and that they, or any one of them, forward the Petition of this House to His Majesty, and the Representation to the Lords of Trade, to the said Agent, to be by him presented accordingly.

On a Motion made, *Ordered*, that the Councils Amendments to the Bill for *Support of Government*, being extraordinary in their Nature, be entered in the Minutes and printed; and they are as follows.

Amendments to the Bill, entitled, An Act for the Support of the Government of His Majesty's Colony of New-Jersey, for one Year. &c.

1st. *Amendment.* Leave out the Preamble intirely.

2d. *Amendment.* Leave out the Word *And* in the beginning of the first Clause.

3d. *Amendment.* Leave out all from the Word (*ANNE*) in the 25th Line of the first Sheet, to the Word (*that*) in the first Line of the 2d. Sheet.

4th. *Amendment, Sheet 2d. line 5, 6, 7.* Leave out these Words, (*Provided, he attends the holding the Supream Courts at Perth-Amboy and Burlington, and not otherwise*)

5th. *Amendment, Sheet 2, line 14.* After the Word (*aforesaid*) leave out all to the Words (*the Sum*) in the 16th line, and in lieu thereof, incert these Words, (*To such Agent or Agents as shall from Time to Time, by Legislative Act, be appointed, for transacting the publick Affairs of this Province at the Court of Great-Britain.*)

6th *Amendment. Sheet 2d, line 23.* Leave out the Words (*in Council*) and in place thereof incert (*by and with the Advice and Consent of the Council.*)

7th Amendment, Sheet 3d, line 10. Leave out from the Word (*Orders*) to the Words (*as at*) in the 11th Line, and in lieu thereof insert (*so much.*)

8th Amendment, Sheet 3d, lines 18 and 25. Leave out the Words (*out of the Money aforesaid.*)

9th Amendment, Sheet 4tb, line 17. Leave out the Words (*in Council*) and in lieu thereof put (*by and with the Advice and Consent of the Council.*)

10th Amendment, Sheet 5, line 18. Leave out the Words (*out of the Money aforesaid.*)

11th Amendment, Sheet 5, line 19. Leave out the Words (*in Council*) and in lieu thereof put (*by and with the Advice and Consent of the Council.*)

By Order of the House,

JAMES ALEXANDER, Speaker.

Ordered,

That Mr. Emley and Mr. Camp do wait on His Excellency, and acquaint him, that the Council have proceeded in such Manner as to obstruct the passing the Bill for *Support of Government*, which has put it out of the Power of the Assembly to do it at this Time, without giving up the Liberties of the People, and therefore they desire he will be pleased to dismiss them.

Mr. Emley reported, that Mr. Camp and himself waited on His Excellency who was pleased to say, that he would return an Answer this Afternoon by the Secretary,

The House adjourn'd to Two P. M.

The House met, and adjourn'd till To-morrow Morning 9 o'Clock.

Note. *His Excellency on the same Day was pleased to prorogue the General Assembly by Proclamation to the 30th Day of November next.*



BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, Speaker.



N^o. 32, a.

THE
VOTES
AND
PROCEEDINGS
OF THE
General ASSEMBLY
OF THE
Province of NEW-JERSEY.

Held at BURLINGTON on Tuesday the Thirteenth of February 1749-50.



PHILADELPHIA.

Printed by WILLIAM BRADFORD, at the Sign of the Bible in
Second-Street.

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V O T E S

O F T H E

General ASSEMBLY

B U R L I N G T O N, Tuesday, February 13. 1749-50.

PURSUANT to his Excellency's Prorogation of the General Assembly to this Day, the House met and adjourn'd till to morrow Morning nine o'Clock.

Wednesday, February 14. 1749-50:

The House met.

William Mickle, Esq; return'd a Member for the County of Gloucester, in the room of Joseph Cooper, Esq; deceased, was qualified in the Houle before Mr. Speaker, Mr. Lawrence, Mr. Hancock, Mr. James Smith and Mr. Spicer.

Ordered,

That Mr. Mickle do take his seat in the House ; and he took his Seat in the House accordingly.

Ordered,

That Mr. Wetherill and Mr. Bispham do wait upon his Excellency and acquaint him, that the House are now met and are ready to receive any Thing which his Excellency may have to lay before them.

Mr. Wetherill reported, that Mr. Bispham and himself had waited upon his Excellency with the Message of the House, who was pleased to say, that he would endeavour to send a Message to the House in the Afternoon.

The House adjourn'd to 2 P. M.

The

The House met-

A Message from the Governor by Mr. Deputy Secretary.

Mr. Speaker,

" His Excellency requires the Attendance of this House in the Council
" Chamber immediately."

Upon which Mr. Speaker left the Chair, and with the House went to wait upon the Governor. Being returned, Mr. Speaker resumed the Chair and reported, that the House had attended his Excellency, who was pleased to make a Speech to the Council and to the House, of which Mr. Speaker said he had obtain'd a Copy.

Ordered,

That his Excellency's Speech be read, and it was read accordingly, and ordered a second Reading, and is as followeth.

Gentlemen of the Council, and of the General Assembly.

" I AM am sorry to observe to you, that your late Session at Amboy was
" wholly taken up in Dispute and Contention among yourselves; and
" when it so happens, the publick Weal is commonly neglected, and
" Injustice and Oppression follow: I would therefore in the first Place
" say, that Condescension is accounted the Glory of a Prince; and your
" practising this Virtue to one another, I am satisfied would have a happy
" Tendency to the Peace, good Order and Welfare of this Province and
" People.

" Upon my receiving the Accounts of two notorious Riots lately committed in this Province; I issued a Proclamation, commanding all Officers;
" Civil and Military, to be aiding and assisting in apprehending the Authors
" of those Outrages, that they might be brought to Justice and to their
" condign Punishment: The Affidavits and the Proclamation relating to this
" Affair, the Secretary shall deliver you, And if you can suggest any
" Thing more that can be done by my Authority singly, I shall cheerfully
" pursue it. But wou'd you, Gentlemen, heartily join with the Governor
" (I say the whole Legislature unitedly) to suppress this Spirit of Tumult
" and Sedition, I doubt not but we should soon see this Province in the
" desirable State of good Order and Tranquility.

" Gentlemen,

" Where the fault lies; that there has been no Money in the Treasury for
" a long time past, is not for me to determine; but you must all be sensible,
" that the Body Politick can no more subsist without proper Provision
" for its support; than the Body natural can live without what is necessary
" to continue it in being: I therefore hope, you will unite in some Method
" for the present supply of the Treasury, that such as have just Demands
" on the Province, may no longer have Reason to complain or suffer by an
empty

" empty Treasury. I have only to add, that a good Unanimity will give
" Strength and Beauty to all your Proceedings in the publick Affairs.

Burlington.

Feb. 14. 1749.

J. BELCHER.

The House adjourn'd till to-morrow Morning nine o'Clock:

Thursday, February 15. 1749-50.

The House met.

His Excellency's Speech was read a second time, and committed to a Committee of the whole House.

The House resolved itself into a Committee of the whole House to consider his Excellency's Speech; and after some time spent therein, Mr. Speaker returned the Chair, and Mr. Hancock, Chairman, of the Committee, reported, that they had made some Progress in the Matter to them referred, and desired leave to sit again; to which the House agreed.

Ordered,

That Mr. Lawrence, Mr. Crane, Mr. Wetherill, Mr. Leaming, and Mr. Spicer be a Committee to prepare and bring in a Bill to enable the Legislature to settle the Quotas of the several Counties in this Colony.

The House adjourn'd to 2 P. M.

The House met.

Mr. Lawrence, from the Committee appointed to bring in a Bill to enable the Legislature to settle the Quotas of the several Counties in this Colony, &c. reported, that they had prepared the same, and were ready to deliver it; and the said Bill was received and read, and ordered a second Reading.

Ordered,

That Mr. Hancock and Mr. Hinchman do wait upon the Governor, and desire that he will be pleased to order the Papers referred to in his Excellency's Speech to be laid before the House, that the House may proceed thereon.

The House adjourn'd till to-morrow Morning nine o'Clock:

Friday February 16. 1749-50.

The House met.

Mr. Hancock reported, that Mr. Hinchman and himself, had waited on the Governor with the Message of the House, who was pleased to say, that he had laid the said Papers before the Council, and that they might have them from the Secretary:

B

And

And accordingly the said Papers were delivered, and laid before the House and read, and referred to be consider'd with the Governor's Speech, by the Committee of the whole Houfe.

The Bill entitled, *An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony; &c.* was read a second Time and committed to a Committee of the whole House.

The House resolved itself into a Committee of the whole House, to consider the said Bill ; and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman of the Committce, reported, that they had gone through the said Bill, and had made several Amendments to the fame.

Ordered,

That the Bill with the Amendments be read in the Afternoon.

The House adjourn'd to 2 P. M.

The Houfe met.

The House according to Order, proceeded to the Consideration of the Bill to enable the Legislature to settle the Quotas of the several Counties ; and the said Bill, with the Ammendments, was read and considered.

Ordered,

That the same, as amended, be engrossed.

The House adjourn'd till to-morrow morning nine o'Clock.

Saturday, February 17. 1749-50.

The Houfe met.

The engrossed Bill entitled, *An Act to enable the Legislature to settle the Quotas, &c.* was read and compared, and on the Question,

Resolved, (nemine Contradicente)

That the same do pass.

Ordered,

That Mr. Cooke and Mr. Hancock do carry the said Bill to the Council for Concurrence.

John Allen, Esq; Treasurer of the Western Division, having laid his Ac-
counts and Vouchers before the House at a former sitting at Perth-Amboy.

Ordered,

That the Clerk deliver them when apply'd for, to the said Treasurer, or his order, and take his Receipt for the same.

Mr;

Mr *Cooke* reported, that Mr. *Hancock* and himself, delivered the Bill with them entrusted, to Mr. *Smith* one of the Gentlemen of the Council.

The House resolved itself into a Committee of the whole House, to further consider the Governor's Speech: After some time spent therein, Mr. Speaker resumed the Chair, and Mr. *Hancock*, Chairman, reported, that the Committee had gone through the Matters to them referred, and had come to a Resolution, that an humble Address be presented to his Excellency in Answer to his Speech. To which the House agreed.

Ordered,

That Mr. *Eaton*, Mr. *Lawrence*, Mr. *Cooke*, Mr. *Spicer*, and Mr. *Fisher*, be a Committee to prepare a Draught of the said Address.

The House adjourn'd to Monday Morning nine o'Clock.

Monday, February 19. 1749-50.

The House met and adjourn'd till to-morrow Morning nine o'Clock,

Tuesday, February 20. 1749-50.

The House met.

Mr. *Eaton* from the Committee appointed to prepare an Address to his Excellency, reported the same, which was read, and sundry Amendments made thereto, and ordered to be engrossed.

The House adjourn'd to 2 P. M.

The House met.

A Petition was presented to the House from some of the Freeholders chosen for the County of *Burlington*, setting forth, that at a meeting of the Justices and Freeholders held for said County the 1st Day of *August* last, the said Justices, without the Consent of the major Part of the Freeholders aforesaid, did agree to, and order the Sum of *Ten Pounds fifteen Shillings* towards paying off the late Coroners Inquests; and praying they may be called to an Account, to shew by what Authority they acted. And further the said Petition sets forth, that the Petitioners at the Time above mentioned, did request the Commissioners of the Loan-Office for the said County, to lay the Money before them which ought to have been sunk in the Year aforesaid, but they refus'd. And further, that the said Commissioners also refus'd to lay the Books before them the said Freeholders; which said Petition was read, and ordered a second reading.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday

Wednesday, February 21. 1749-50.

The House met.

The engrossed Address to his Excellency, was read and compar'd, and agreed to by the House, *nemine Contradicente.*

Ordered,

That the Speaker do sign the same, which he did accordingly.

Ordered,

That Mr. Fisher and Mr. Bispham do wait upon his Excellency, and know his Pleasure when he will be waited upon with the Address of this House.

The Petition from some of the Freeholders chosen for the County of Burlington, was read the second Time.

Ordered,

That the Serjeant at Arms do give Notice to *Revel Elton, Thomas Shinn, Nathaniel Thomas, Robert Smith, and Joseph Scattergood, Esqrs.* Justices of the Peace; and *James Wills, Henry Paxton, Joshua Raper, John Bacon, James Eldridge and William Foster, Freeholders,* to attend this House on Saturday the 24th of this Instant, at nine o'Clock in the morning, to answer what may be alledged against them, by *Anthony Woodward, Benjamen Taman, Thomas Middleton, George Middleton, Michael Newbold, Barzillai Newbold, and John Stewart, Freeholders,* which said Parties are likewise Ordered to attend in support of the several Complaints contain'd in their Petition to this House.

Ordered,

That the Serjeant at Arms do give Notice to *Robert Smith, Joseph Scattergood, and Joshua Wright, Commissioners of the Loan Office for the County of Burlington,* to attend this House on Saturday the 24th Instant at nine o'Clock in the Morning, on the Complaints of some of the Freeholders of said County against them; which said Freeholders are also ordered to attend at the Time aforesaid, to make good the Allegations contain'd in their Petition to this House.

Ordered,

That any of the Parties concern'd, may have Copies of the aforesaid Petition, upon applying to the Clerk and paying for the same.

Mr. Fisher reported, that Mr. Bispham and himself, waited on the Governor with the Message of the House, who was pleased to say, he would be waited upon with the Address at eleven o'Clock to-morrow Morning.

The House adjourn'd to 2 P. M.

The House met.

Ordered.

That Mr. Mott and Mr. Mickle do wait upon the Council and desire to know, what Progress they have made in the Bill entitled, *An Act to enable the Legislature to settle the Quotas, &c.*

Mr.

Mr. Mott reported, that Mr. Mickle and himself delivered the Message with them entrusted, to Mr. Coxe one of the Gentlemen of the Council.

The House adjourn'd till to morrow Morning nine o'Clock.

Thursday, February 22. 1749-50.

The Houle met.

Mr. Speaker informed the House, that after the House adjourn'd Yesterday, he receiv'd from the Council by Mr. Smith, a Meslage with the Bill entitled; *An Act to enable the Legislature to settle the Quotas, &c.* acquainting the House, that that House had made an Amendment thereto, to which they desire the Concurrence of this House.

A Message from his Excellency by Mr. Secretary.

" Mr. Speaker,
" His Excellency is in the Council Chamber, ready to receive the Address of the House."

Whereupon Mr. Speaker left the Chair, and with the House went to wait on his Excellency. Being returned, Mr. Speaker resumed the Chair and reported, that the House had delivered the Address to his Excellency in the Words following.

To His Excellency J. BELCHER, Esq; Captain General and Governor in Chief in and over His Majesty's Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same, &c.

May it please your Excellency,

WE His Majesty's dutiful and loyal Subjects, the Representatives of the Colony of New-Jersey, beg leave to observe, that we do not conceive the late Sitting at Amboy was wholly taken up in Dispute and Contention between the Council and this House: If any Thing passed which bore such Resemblance, it was chiefly owing to their infringing upon our Privileges, in making Alterations to the Bill for Support of Government, which had a Tendency to deprive the House of the Appointment of their Agent; at the Court of Great-Britain; and to lodge too much Power in the Gentlemen of the Council in the disposal of the publick Money; and Things of the like extraordinary and unprecedented Nature; but this did not occasion Us to neglect the publick Weal, but on the contrary, We in a particular Manner, applyed ourselves to sundry other Matters (as our Journal will fully demonstrate) which we esteem'd necessary to be deliberated upon for the publick Good. We readily agree with Your Excellency, that a prudent Condescension may be accounted the Glory of a Prince, and on our Part shall practice that Virtue towards the Gentlemen of His Majesty's Council, so far as We can consistent with the Trust reposed in Us; further ought not to be desir'd

desir'd, nor would it (if granted) be likely to produce the Peace, good Order, and Welfare of this Province and People.

By the Affidavits mention'd in Your Excellency's Speech, we find fresh Outrages have been committed by certain disorderly Persons; but those Offenders (by information) are now under Prosecution for the same, and likely to be brought to Justice, and condign Punishment by a due course of Law, which is the only Thing, We can suggest to be pursued in this, and every other Case of the like Nature. And had Your Excellency been pleas'd to issue a Commission for the Tryal of thole Persons under confinement in the Goal of the County of *Essex*, according to Our request last Sitting, it might have proved very Beneficial, and still may (if pursued) greatly conduce towards suppressing this Spirit of Tumult: Speedy Tryals for the punishment of Villany, and relief of Inocence in Distress, seldom failing of having a due Effect upon the Minds of the People, nor of establishing good Order and Tranquility among them.

Although Your Excellency don't incline to determine where the Fault lies, that there has been no Money in the Treasury for a long Time past, yet We may *with Truth and Veracity* say, that it can't be justly Attributed to the House of Assembly; because they, maturely observing that the Treasury was greatly exhausted, and the Colony much involv'd in Debt, through the Aid given to His Majesty in the late War against the Powers of *France* and *Spain*, the Annual decrease of the Interest Money arising from the publick Funds, the Discharge of the high Salaries to the several Officers of the Government, and the heavy burthen of Expence accrued by frequent and long Sittings of Assembly, did (in order to prevent as much as possible the complaint of an empty Treasury) repeatedly pass, and send to the Council for Concurrence, a Bill to enable the Legislature to settle the Quotas of the several Counties in this Colony, which not being agreed to, by thole Gentlemen in the Manner the House thought reasonable, that Bill has hitherto been defeated; without which the Debts of the Colony can be neither discharg'd, nor the future Support of the Government provided for in any equitable Manner: Therefore that nothing may be wanting on Our part, We have once more pass'd a Bill to enable the Legislature to settle the Quotas, and sent the same to the Council for Concurrence: Which if agreed to by them, and pass'd by Your Excellency, We shall then endeavour to supply the Treasury with all convenient Dispatch, according to the best Ability of the Colony; to the End all those who have any just Demands thereon may not suffer by an empty Treasury. ——We agree with Your Excellency, that a good Unanimity will add Strength and Beauty to the publick Affairs, and on Our part shall Endeavour to promote it.

Several of the Members of the House being of the People called Quakers, do concur to the Matter and Substance of this Address but make their usual Acceptances to the Stile,

By Order of the House,

SAMUEL NEVILL, Speaker.

The House adjourn'd to Two P. M.

The

(II)

The House met.

The Bill, entitled, *An Act to enable the Legislature to settle the Quotas of the several Counties, &c.* together with the Councils Amendment thereto, was read.

"*Resolved, nemine Contradicente,*
" That this House doth reject the said Amendment, and adhere to the Bill.

Resolved, nemine Contradicente,
That the Council have no right to amend the said Bill, and that it is an Infringement on the Rights and Privileges of this House and the People We represent, for the Council to prescribe Ways and Means how Money shall be raised on the good People of this Province for the Support of Government, and paying the publick Debts of the Colony.

Ordered,
That Mr. Emley and Mr. James Smith, do carry the said Bill and Amendment back to the Council and acquaint them with the above Resolves.

Mr. Emley reported, that Mr. Smith and himself delivered the Message with them entrusted, to Mr. Coxe, one of the Gentlemen of the Council.

The House adjourn'd till To-morrow Morning 9 o'Clock.

Friday, February 23. 1749-50.

The House met.

Mr. Brick being unwell had leave to be Absent.

The House adjourn'd till Two P. M.

The House met.

Mr. Smith brought from the Council the Bill, entitled, *An Act to enable the Legislature to settle the Quotas, &c.* together with the following Message.

" This House taking into Consideration the Message of the House of Assembly of Yesterday by Mr. Emley and Mr. Smith, together with the Amendment made by this House, to the Bill, entituled, *An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony, in order for levying of Taxes from Time to Time as Occasion may require, for Payment of the publick Debts, for Support of Government, and defraying the Contingent Charges thereof;* came to the following Resolutions.

"*Resolved, nemine Contradicente,*
" That this House doth adhere to the said Amendment.

"*Resolved*

" Resolved, nemine Contradicente,

" That this House hath a Right to make that Amendment, and that the Assertion of the House of Assembly, in alledging that it is an Infringement on the Rights and Priviledges of their House, and the People they represent, for the Council to prescribe Ways and Means how Money should be raised on the good People of this Province, for the Support of Government, and paying the publick Debts of the Colony, is Groundless and without the least Foundation, this House having made no such Attempt; but on the contrary, have only regulated their Conduct agreeable to His Majesty's Instruction, and according to what they conceive to be their Duty; and is no Way an Infringement upon the Priviledges of the House of Assembly, or the Liberties of the People.

" Ordered,

" That Mr. Smith do carry back to the House of Assembly the said Bill, with the Amendment made thereto by this House, together with the above Resolutions.

Council Chamber,
February 23. 1749-50:

CHARLES READ, Ck.

The House adjourn'd till 9 o'Clock To-morrow Morning.

Saturday, February 24. 1749-50:

The House met.

A Petition was presented to the House from divers Inhabitants of the City of *Burlington*, praying, for the Reasons therein set forth, that a Bridge may be Built over *Crosweek's Creek* at *Mathew Watson's Ferry*, which was read and referred to be considered with the other Petitions, relating to the same Affair.

According to the Order of the Day, the House proceeded to the Affair between the Justices and Freeholders of the County of *Burlington*, and the Parties concern'd attending, were fully heard on both Sides; the said Justices in their own Vindication, and the Parties against them; after which they were ordered to withdraw, and then the House taking the same into Consideration, the Question was put, whether the said Justices Conduct, in proceeding to apply part of the Money raised on the said County without the Consent of the Majority of the Freeholders chosen for the said County, be illegal, or not, and it was carried in the Affirmative, *nemine Contradicente*.

The House adjourn'd to Two P. M.

The House met.

The House resuming the Consideration of the Affair depending between the Justices and Freeholders of *Burlington* County.

Resolved,

Resolved, nemine Contradicente,

That it is the Opinion of this House, that none of the Boards of Justices and Freeholders in this Colony, have any Right either to raise Money on the Inhabitants, or to apply it after it is raised, without the apparent Authority and Directions of some known Law, and that it is a Grievance, where they Act without the said Authority.

The several Justices of *Burlington County* complain'd against, were called in, and the Resolutions of the House were read to them, after which Mr. Speaker informed them, that the House desired to know, as it appears they have acted contrary to Law, what they had to say, why the House should not proceed to further redress this Grievance : And they declaring that they acted according to the best of their Judgment, and not in any Contempt, they were Ordered to withdraw. Being call'd in again, Mr. Speaker acquainted them, that the House expects they will promise to Act more agreeable to Law for the future ; and the Answers of all of them not being Satisfactory, the further Consideration thereof is referred till *Monday Morning* next at Ten o'Clock, when the said Justices are ordered to attend again.

Then the House proceeded to the Consideration of that Part of the Petition from some of the Freeholders chosen for the County of *Burlington*, which complains against the Commissioners of the Land-Office ; and the said Commissioners and Freeholders were call'd in, and fully heard on both Sides ; and then the Parties were ordered to withdraw. And the House taking the same into Consideration, are of Opinion, that the Petitioners have not fully supported their Charges, and that there is a sufficient and summary Remedy provided for, against the Matter complain'd of, in a Law of the Province, entituled, *An Act for making 40,000 l. in Bills of Credit*; and the said Commissioners were discharg'd from further Attendance.

The House adjourn'd till *Monday Morning* nine o'Clock.

Monday, February 26. 1749-50;

The House met.

The several Justices of *Burlington County* attending, were called in, and Mr. Speaker acquainted them, that the House expected a peremptory and direct Answer to the Question they put to them on Saturday last, viz. whether they will promise to endeavour to Act more agreeable to Law for the future ; and the Answers of *Revel Elton*, and *Nathaniel Thomas*, Esqrs; being satisfactory to the House, they were dismiss'd paying their share of the Fees. Mr. Speaker then acquainted *Robert Smith* and *Joseph Scattergoed*, Esqrs; that their Answers were not Satisfactory, and then they were ordered to withdraw.

Ordered,

That Mr. *Crane*, and Mr. *Leaming*, do wait upon the Council and desire to know, if they have any Thing before them for the Consideration of the

House, and acquaint them, that if they have not, this House designs soon to apply to His Excellency to dismiss them.

The House adjourn'd to 2 P. M.

The House met.

Mr. Crane reported, that Mr. Leaming and himself delivered the Message with them entrusted, to Mr. Alexander, one of the Gentlemen of the Council.

The House resuming the Consideration of the Affair, concerning Robert Smith and Joseph Scattergood, Esqrs; on a Motion made that they be called in, and that Mr. Speaker do speak to them as follows, and the Question put, it was carried in the Affirmative.

Yea.	Yea.	Nays.
James Smith,	Derick Dye,	Joshua Bispham.
John Wetherill,	William Cooke,	
John Eatton,	James Hinchman,	
Robert Lawrence,	William Mickle,	
John Crane,	Aaron Leaming,	
Joseph Camp	Jacob Spicer,	
John Van Middlesworth,	William Mott,	
Hendrick Fisher,	John Emley,	
Lawrence Van Buskirk.		

" Gentlemen,

" I Am ordered by this House, to acquaint you, that as you have given
 " the House no Assurances of your acting more agreeable to Law for
 " the future, you have put them to the Necessity of taking such Measures
 " against you, as Law and Custom have pointed out, in order to guard
 " against your future Misconstruction of the Law; and you are discharged
 " from further Attendance on this House, at this Time, upon paying your
 " Fees to the Serjeant at Arms, and the House expects that you will in-
 " form them, whether you intend to do it, or not; if not, you will be
 " committed by order of the House to the Custody of the Serjeant."

And the said Justices being called in, and Mr. Speaker having delivered to them what he had in Charge, they answered, that they did not intend to pay the Serjeants Fees; and then, a Motion being made, that the said Justices be forthwith committed to the Custody of the Serjeant at Arms, and the Question put? It was carried in the Affirmative.

Yea.	Yea.	Nays.
James Smith,	Lawrence Van Buskirk,	Joshua Bispham,
John Wetherill,	Derick Dye	James Hinchman,
John Eatton,	William Cook,	
Robert Lawrence,	William Mickle,	
John Crane,	Aaron Leaming,	
Joseph Camp,	Jacob Spicer,	
John Van Middlesworth,	William Mott,	
Hendrick Fisher,	John Emley.	Ordered,

Ordered,

That the Serjeant at Arms do forthwith take *Robert Smith* and *Joseph Scattergood*, Esqrs. into Custody, till they pay him five Shillings each, for summoning them and the Freeholders before this House; together with what other customary Fees shall accrue.

A Message from the Council by Mr. *Leonard*, in the Words following.

" In answer to the Message of the House of Representatives of this Day,
" desiring to know, if this House has any Thing before it for the Consi-
" deration of that House, &c.

" Ordered,

" That Mr. *Leonard* do acquaint the House of Representatives, that this House had thoughts of making some Remarks to the Assembly, on their Address to his Excellency, believing that some Things therein concerning this House are groundless: But we decline it, thinking it a Pity that the Country should be put to the Charge of the fitting of the Legislature any Time for that Purpose, especially considering, that the Answers last sitting at *Perth-Amboy*, to a like Charge there, appearing by the Minutes of both Houses at that Time, may be a full Answer: And therefore this House will not object to the Application mentioned in the said Message,

By Order of the House,

Charles Read. Clk.

The Serjeant at Arms informed the House, that *Revel Elton* and *Nathaniel Thomas*, Esqrs. refused paying him his Fees; and the House taking the same into Consideration, the said Justices were called in, and they persisting in their refusal, they were ordered to withdraw: And on the Question, whether the said Justices be committed or not? It was carried in the Affirmative:

Yeaſ and Nayſ as before.

Ordered.

That the Serjeant at Arms do take *Revel Elton* and *Nathaniel Thomas*, Esqrs. into Custody, till they pay him five Shillings each for summoning them and the Freeholders before this House, together with what other customary Fees shall accrue.

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, February 27. 1749-50.

The House met.

On a Motion made, and the Question put, whether the House will now send the following Message to his Excellency? It was carried as follows.

Yeaſ.

Yeaſ.

Nayſ.

<i>James Smith</i>	<i>Lawrence Van Buskirk,</i>	<i>Joshua Bispham.</i>
<i>John Wetherill,</i>	<i>Derick Dye,</i>	
<i>John Eatton,</i>	<i>William Cooke,</i>	
<i>Robert Lawrence,</i>	<i>William Mickle,</i>	
<i>John Crane,</i>	<i>Aaron Leaming,</i>	
<i>Joseph Camp,</i>	<i>Jacob Spicer,</i>	
<i>John Van Middleſworth,</i>	<i>William Mott,</i>	
<i>Hendrick Fisher,</i>	<i>John Emley,</i>	

Ordered,

Ordered,

That Mr. *Leaming* and Mr. *Camp* do wait on his Excellency and acquaint him, that some of the Freeholders of the County of *Burlington*, on the 20th Day of this Instant, preferred to this House a Petition setting forth, that the Justices and Freeholders of the said County, pursuant to adjournment, met on the 11th Day of *August* last at the City of *Burlington*, and agreed to raise on the said County, the Sum of *sixty Pounds*: At which Time also, the said Justices, without the Consent of the major part of the Freeholders, ordered the Sum of *ten Pounds fifteen Shillings*, towards paying the late Coroners Inquests; wherefore the Petitioners desired they might be called to account, to shew by what Authority they disbursed Money for the Purpose aforesaid. Whereupon the House ordered the Parties complained of to attend on the 24th Day of this Instant, when it appear'd, that *Robert Smith*, *Joseph Scattergood*, *Revel Elton*, *Thomas Skinner*, and *Nathaniel Thomas*, Esqrs. were the Justices complain'd of, all which appeared except *Thomas Skinner*, who was sick; and upon a full hearing of the Parties, the above Facts alledged in the said Petition appeared to be true. Wherefore the House desired to be informed of those Justices, by what Authority they acted in applying the Money aforesaid: To which they replied, the legallity of their Conduct would depend upon the Exposition of several Acts of Assembly, the first of which is entitled, *An Act for raising of Money for building and repairing Goals and Court Houses within each respective County of this Province*. The second, an Act entitled, *An Act for the amending of the Law relating to Highways and Bridges, for explaining certain Clauses in several former Acts concerning the Power of the Justices and the Freeholders therein mentioned, and for directing the Method of raising of Money to pay for the Bridge last built over South-River*, in which there is an explanatory Clause particularly calculated for removing all Doubts and Misconstructions relating to the Power of the Justices and Freeholders in each respective County, about raising and applying of the publick Money. And the third and last, an Act entitled, *An Act to empower the Freeholders chosen in each County of this Colony, or the Major Part of them, in Conjunction with three Justices of the Peace, to direct the Method of assessing the Inhabitants of each County, and to restrain the unnecessary meetings of said Freeholders*. All which said Acts, together with sundry other, being duly considered by the House, they were unanimously of Opinion, the said Justices Conduct was illegal; not only because they had acted without the Consent of the Majority of the Freeholders in applying the Money aforesaid, contrary to the Direction of the said Acts; but also because they had applied it to a Use which by Law they were not warranted to do: Therefore the House thought it incumbent on them to insist upon the said Justices, to promise that they would act more agreeable to Law for the future; which after some time of Consideration, two of them (*to wit*) *Revel Elton* and *Nathaniel Thomas* promised to do, whereupon they were dismissed paying their Fees: But the Answers of *Robert Smith* and *Joseph Scattergood*, not being satisfactory, but on the contrary, artful and evasive, and upon which no solid Assurance could be founded, that they would act more agreeable to Law for the future, in the Matter complain'd of, than they had hitherto done. The House therefore from a tender Regard to the Welfare of the Inhabitants of this Colony, and resolving, as much as in them lies, to transmit the Rights and Privileges with which they

they have the Honour to be entrusted, free and sacred to Posterity, do look upon themselves indispensably obliged to declare; that the said Application so made, without any Warrant of Law, and without the Consent of the Majority of the Freeholders, is Arbitrary and Illegal, directly tending to the aggrieving His Majesty's Subjects in this County in particular, and in its Consequences (without effectual and timely Interposition) may also greatly Effect the People in General, by depriving them of their Vote, by the Freeholders increasing and applying such of the publick Money, as by several Acts of General Assembly; the Freeholders chosen in each respective County; or a Majority of them, in Conjunction with Three Justices of the Peace are impower'd to do: An Attempt to deprive the People of a Vote in the Disposition of their own Money; is not only a high Insult upon Reason; but also directly repugnant to the Right of a *British* Subject, and by all Means to be suppress'd in its first Appearance, least it should become a growing Evil; and in Time, End in the total Subversion and Overthrow of this invaluable Priviledge, the Danger of which, may be gathered from a Consideration, that if the Justices in each respective County of this Colony, can raise Money for publick Uses upon the Inhabitants thereof, without the Consent of the Major part of the Freeholders, contrary to Law; those Gentlemen may in Time set up so many distinct legislative Powers for raising of Money upon the Subject without their Content; and may also by the same unlimited Authority; apply such Money, so raised; to such Purposes as they think best; which unwarrantable Proceedings, if admitted of would naturally tend to abridge the Authority of the legislative Power of this Colony, and in Time might become Dangerous to His Majesty's Prerogative; and the Welfare of his good Subjects in this Colony; for all which Reasons; and because the said *Robert Smith*, and *Joseph Scattergood*, have not given sufficient Assurance of their acting more agreeable to Law for the future, in the Matter complained of against them; the House desire your Excellency will be pleased to remove them the said *Robert Smith*; and *Joseph Scattergood*, from the commission of the Peace; to prevent such further illegal Proceedings, as they may otherwise commit, and to the End others may be deterred from committing the like for the future;

The House adjourn'd to 2 P. M:

The House met:

Mr. *Camp* reported, that Mr. *Leaming* and himself delivered the Message with them entrusted, to his Excellency.

Ordered,

That Mr. *Fisher* and Mr. *Wetheril* do acquaint his Excellency, that this House have nothing before them, and desire he will be pleased to dismiss them.

Mr. *Fisher* reported, that Mr. *Wetherill* and himself, deliver'd the Message with them entrusted, to his Excellency, who was pleased to say, the House should hear from him very soon.

A Message from his Excellency by Mr. *Secretary*:

" Gentlemen of the Assembly.

" IN Answer to your Message by Mr. *Leaming* and Mr. *Camp*, which I receiv'd this Afternoon, I think it my Duty to act in the Matter with

" the Advice of His Majesty's Council, in such Manner as will have the
 " best Tendency for the Support of the Prerogative of the Crown and Li-
 " berties of the People.

J. BELCHER.

A Message from his Excellency by Mr. Secretary, in the Words following.

" Gentlemen of the General Assembly,
 " I HAVE considered your Answer to my Speech made to you the Day
 " you got together, and cou'd wish, there had been in it more of the
 " Substance, than of the plausible Pretences of Reason, for your still con-
 " tinuing to avoid coming into the Practice of your Duty to the KING and
 " to your Country; by doing what is necessary on your Part, for suppressing
 " the Rioters; and for supporting the Government.

" The unerring Word of God says,
 " Leave off Contention before it be medled with:

" This Point of Wisdom, I think, should be constantly observed by
 " publick Bodies, in all their Transactions : For this Reason, and in Tend-
 " erness to the good People of this Province, I choose not to descend too
 " particularly into the Answer you have made me, and the rather since I
 " take it to be a very critical Time with respect to the Interests and Pri-
 " vileges of this Province; the Consideration whereof are now lying be-
 " fore His Majesty : Yet, from that Justice every Man owes to himself, I
 " must set you right, as to the Petitions brought me from the two Rioters
 " (and from your House in favour of them) committed to the Jail in the
 " County of Essex, for high Treason, and who made their Escapes. I did
 " not think it consistent with the Honour of His Majesty's Government
 " or with the Peace of this Province, to grant a Commission of Oyer and
 " Terminer, for the more speedy Tryal of those Rioters ; and more especi-
 " ally since they had formerly perpetrated the same Villanies not only with
 " Impunity, but had also slighted and rejected His Majesty's most gracious
 " Pardon offered to them two Years ago : These Things notwithstanding,
 " I did not act in this Matter wholly from myself, but I laid the whole
 " State of this difficult Affair, before His Majesty's Council, who, after de-
 " liberate Consideration, were unanimously of Opinion and Advice, that
 " the Commission petition'd for, might not be granted.

Burlington,
 February 27. 1749-50.

J. BELCHER.

And then Mr. Secretary acquainted the House, that his Excellency had ordered a Prorogation of the General Assembly to the 29th of March next, then to meet at Amboy.

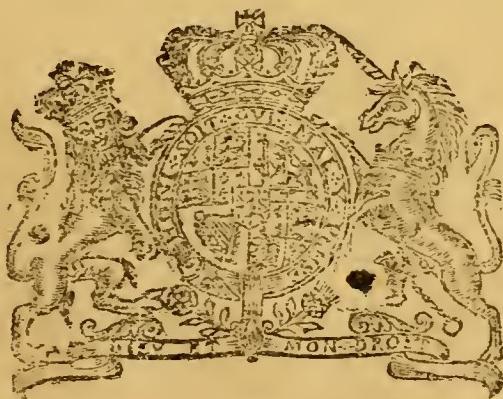
BY Virtue of an Order of the House, I do appoint William Bradford of Philadelphia to print these Votes.

SAMUEL NEVILL, Speaker.

N. 32. b.

T H E
V O T E S
For the month
A N D
P R O C E E D I N G S
O F T H E
General ASSEMBLY
O F T H E
Province of NEW-JERSEY

Held at *AMBOY* on *Thursday* the *20th* of *September*, *1750.*



P H I L A D E L P H I A:
Printed by WILLIAM BRADFORD, at the Sign of the Bible in
Second-Street.



VOTES OF THE *General ASSEMBLY*

THURSDAY, September 20. 1750.

PURSUANT to Prorogation of the General Assembly to this Day, the House met, and adjourn'd till to-morrow Morning nine o'Clock.

Friday Sept. 21. 1750.

The House met, and there not being a sufficient Number of the Members to proceed upon Business, adjourn'd till to-morrow Morning nine of the Clock.

Saturday, Sept. 22. 1750.

The House met, and there not yet being a sufficient Number to proceed upon Business, adjourn'd till Monday Morning nine of the Clock.

Monday, Sept. 24. 1750.

The House met.

Ordered,

That Mr. James Smith and Mr. Emley wait upon His Excellency, and acquaint him, that there are now a sufficient Number of the Members to proceed upon Business, and that the House are ready to receive any Thing he shall please to lay before them.

Mr. Emley reported, that Mr. Smith and himself performed the said Order:

A Message from His Excellency by Mr. Secretary.

‘ Mr. Speaker,

‘ His Excellency requires the Attendance of this House in the Council Chamber immediately.’

Mr. Speaker left the Chair, and with the House went to wait upon his Excellency: And being returned; Mr. Speaker resumed the Chair, and reported, that

that the House had waited on his Excellency, who was pleased to make a Speech to both Houses, of which Mr. Speaker said he had obtained a Copy.

Ordered,

That his Excellency's Speech be read, and it was read accordingly, and ordered a second reading, and is as followeth.

Gentlemen of the Council, and of the General Assembly.

" SINCE our last meeting I have received His Majesty's Orders touching some of the Acts of the Legislature of this Province; as also several Acts passed by the British Parliament in their late Session, that specially relate to His Majesty's Plantations in America, and these I am commanded to make known in the most publick Manner: They shall be delivered you by the Secretary for your own Information, and for that of the Inhabitants of the several Counties of your abodes, and to these Things I shall not doubt a strict observance and conformity of all the good People of the Province.

" Gentlemen,

" You well know how long this Government has been without any Support, and how unreasonable it is that all Persons who have Demands on the Province should be kept out of their just Dues from Year to Year, to the great Damage of them and of their Families; and if Things continue in this unjust and injurious Situation, Anarchy and Confusion must be the Consequence in the Government, and among the People; This therefore is a Matter that speedily demands your wise and serious Attention.

" Gentlemen of the General Assembly,

" There being no Money in the Treasury appropriated for the Payment of the publick Debts, or for the greatest Necessity or Emergency whatsoever, and that the raising of Supplies is more immediately in your Province, I shall not doubt your making a careful Inquiry into the present State of the Treasury, and of your doing every Thing necessary on your Part, in making ample Provision for paying off the just Demands on this Province, and for the future Support of the Government.

" Gentlemen of the Council and of the General Assembly,

" If you have any Thing to offer to me for His Majesty's Service, and the good of the Province, I am always full of Attention to such desirable Purposes: But if you have not, and it's a busy Season of the Year, I shall depend on your giving the best dispatch to what I have laid before you, that you may be returning to your Domestick Affairs.

Perth-Amboy, Sept.

24. 1750.

J. BELCHER.

Mr. Secretary, by order of his Excellency, laid before the House the Papers referred to in his Excellency's Speech.

The House adjourned till to-morrow Morning nine o'Clock.

Tuesday

Tuesday, Sept. 25. 1750.

The House met.

Mr. Speaker laid before the House a Letter from the Agent, concerning the Accounts of Arming and Cloathing the late Forces, &c. with Governor Shirley's Objections to the same, and the Agents Reply; and the said Papers were read.

Ordered,

That they lie on the Table for the perusal of the Members.

A Petition of sundry Inhabitants of the County of Middlesex was read, setting forth, that they suffer greatly in their Meadows, by a Ditch only not being a Fence established by Law, and praying relief in such Manner as the Legislature shall think fit.

Ordered,

That the Petition have a second Reading.

His Excellency's Speech was read a second Time, and referred to a Committee of the whole House: And the House resolved itielf into a Committee of the whole House to consider the same.

After sometime spent therein, Mr. Speaker resumed the Chair, and Dr. Johnston, Chairman of the Committee, reported, that they have made some Progrefs in the said Speech, and desired leave to sit again. To which the House agreed.

The House adjourn'd to 2 P. M.

The House met.

Mr. Lawrence informed the House, that John Eaton, Esq; late a Representative for the County of Monmouth, is deceased,

Ordered,

That Mr. Speaker issue his Warrant to the Clerk of the Crown to make out a Writ for the Election of a Representative for the said County, in the room of the said Deceased.

His Majesty's Orders referred to in his Excellency's Speech, were read, being to the following Purposes, viz.

His Majesty's Royal Approbation in Council on the 23d, of November 1749; of an Act of General Assembly of this Province, entitled as follows, viz.

An Act for enabling the Judges and Justices of this Colony to ascertain and tax Bills of Costs, and for making Provision by Law for the Payment of the several Officers of the Colony, and for the preventing the said Officers from taking exorbitant Fees.

His Majesty's disallowance in Council, on the same Day of two Acts of this Province, entitled as follows, *viz.*

1. *An Act for making Current Forty Thousand Pounds in Bills of Credit.*
2. *An Act for punishing the Coiners and Counterfeiter's of foreign Coin passing Current, and the Counterfeiter's of Bills of Credit of this Province.*

The Acts of Parliament referred to in his Excellency's Speech; are entitled, as follows, *viz.*

1. *An Act for extending and improving the Trade to Africa.*
2. *An Act to encourage the Importation of Pig and Bar Iron from His Majesty's Colonies in America, and to prevent the Erection of any Mill or other Engine for flitting or rolling of Iron, or any plateing Forge to work with a Tilt Hammer, or any Furnace for making Steel in any of the said Colonies.*
3. *An Act for encouraging the Growth and Culture of Raw-Silk in His Majesty's Colonies or Plantations in America.*

The House resolved itself into a Committee of the whole House to proceed on his Excellency's Speech. After sometime spent therein, Mr. Speaker resumed the Chair, and Dr. Johnston, Chairman of the Committee, reported, that the Committee have gone through the Matters to them referred, and have come to a Resolution, that an humble Address be presented to his Excellency in Answer to his Speech. To which the House agreed.

Ordered,

That Mr. Lawrence, Mr. Cooke, Mr. Fisher, Mr. Crane, and Mr. Wetherill, be a Committee to prepare a Draught of said Address.

Ordered,

That Mr. Vanmiddleworth, Mr. Hancock, Mr. James Smith, Mr. Emley, and Mr. Bispham, be a Committee to prepare and bring in a Bill to enable the Legislature to settle the Quotas of the several Counties within this Colony.

The House adjourn'd till to morrow Morning nine o'Clock.

Wednesday, Sept. 26. 1750.

The House met.

Ordered,

That the Accounts of the Treasurers be laid before the House on or before Thursday the fourth Day of October next, and that the Clerk give or send Notice of this Order.

Pursuant to the Directions of the House of Assembly of Tuesday December 13. 1748, Mr. Speaker laid before the House, the Acts of this Province passed since the Surrender of the Government to the Crown, which he reported were collated and prepared conformable to the said Directions,

Ordered,

That the Secretary lay before the House the Book of the Record of the Laws

Laws passed in the Proprietary Government of the Eastern Division of this Colony,

The House adjourn'd to 2 P. M.

The House met.

The Petition for making Ditches lawful Fence; was read a second time, and referred to further Consideration.

Ordered,

That Mr. *Richard Smith*, Mr. *Cooke*, Mr. *Lawrence*, Mr. *Hancock*, Mr. *Wetherill*, Mr. *Fisher*, and Mr. *Brick*, be a Committee to inspect the Laws laid before the House by Mr *Speaker*, and report to the House if they are prepared conformable to the Orders of December 13. 1748.

According to order, the Record of the Laws passed in the Eastern Division in the Time of the Proprietary Government, was laid before the House.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, Sept. 27. 1750.

The House met.

Mr. *Lawrence*, from the Committee appointed to prepare a Draught of an Address to his Excellency, reported, that they have prepared the same, and it was received and read, and some Amendments being made thereto, it was agreed to by the House, and ordered to be engrossed.

The House adjourn'd to 2 P. M.

The House met,

The engrossed Address to his Excellency was read and compared;

Ordered,

That Mr. *Speaker* Sign the same.

Mr. *Vanmiddleworth*, from the Committee for preparing a Bill to enable the Legislature to settle the Quotas, &c. reported that they had prepared the same. And it was received and read, and ordered a second Reading.

The House adjourn'd till to morrow Morning nine o'Clock.

Friday, Sept. 28. 1750.

The House met.

The Bill to enable the Legislature to settle the Quotas, &c. was read a second Time, and committed to a Committee of the whole House.

A Petition

(8.)

A Petition of several Inhabitants of *Somerset County* was presented to the House and read, setting forth, that an A&t passed in 1713 for regulating of Slaves, does not prohibit them from Hunting with Guns, and meeting together at unseasonable Hours, and praying the House to take it into Consideration.

Ordered,

That the Petition have a second Reading.

The House resolved itself into a Committee of the whole House to consider the Bill to enable the *Legislature to settle the Quotas, &c.* After sometime spent therein, Mr. Speaker resumed the Chair, and Dr. *Johnston*, Chairman of the Committee, reported, that they have made some Progress in the Matter to them referred, and desired leave to sit again. To which the House agreed.

The House adjourn'd to 2 P. M.

The House met.

And Resolved itself into a Committee of the whole House, to proceed on the Bill to enable the *Legislature to settle the Quotas &c.*

After some Time spent therein, Mr. Speaker resumed the Chair, and Dr. *Johnston* Chairman of the Committee, reported, that they have gone thro' the Bill, and made sundry Amendments to the same. To which the House agreed. And the Amendments were read in their places and agreed to by the House.

Ordered, that the Bill as amended be Engrossed.

The House Adjourned till to-morrow Morning, nine of the Clock

Saturday September 29 1750.

The House met, and adjourned till *Monday* morning nine of the Clock.

Monday October 1 1750.

The House met.

Mr. *Lawrence*, one of Members appointed to correspond with the Agent, laid before the House sundry Letters and Papers they had received from him, which were Read.

A Petition of *George Cooper, Philip Cooper, Theophilus Bindur and Hendrick Bindur*, was read, setting forth, that they were born under the Allegiance of Princes and States in Amity with the Crown of *Great-Britain*, and being Protestants and settled in this Province, desire to be Naturalized, and praying a Law for that purpose.

Ordered

That the Petition have a second reading.

The House adjourned till to-morrow Morning nine of the Clock

Tuesday

Tuesday October 2 1750.

The House met.

The Engrossed Bill, entituled, *An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony in Order for levying of Taxes from Time to Time as occasion may require, for payment of the publick Debts, for support of Government, and defraying the contingent Charges thereof,* was read and compared, and on the Question,

Resolved, nemine Contradicente, That the said Bill do pass.

Ordered,

That Mr. Fisher and Mr. Spicer do carry the same to the Council for their Concurrence.

Mr. Fisher reported, that Mr. Spicer and himself delivered the said Bill to Mr. Alexander, one of the Gentlemen of the Council, the Council not sitting.

A Petition of sundry Inhabitants of Salem County, praying, that a Bridge built over Salem Creek by Subscription, may be made a Draw-Bridge, and Persons obliged to pay Toll that pass it, in order to maintain the said Bridge and the Causeway adjoining, was read and ordered a second Reading.

The House adjourn'd to 2 P. M.

The Houſe met.

The Petition of George Cooper, and others, to be naturalized, was read a second Time, and a Certificate of Charles Read, Esq; one of the Justices of the Supreme Court, certifying, that the Petitioners have this Day taken the Oaths, and made and subscribed the Declaration appointed by Law, was also read,

Ordered,

That they have leave to bring in a Bill for their Naturalization.

A Petition of Joseph Bonny, setting forth sundry Grievances he suffers, which he apprehends proper for the Legislature to inquire into, and praying to be heard, and to be relieved therein, was read and ordered a second Reading.

Ordered,

That Mr. Hancock and Mr. Vanmiddleworth wait upon his Excellency, and desire to be informed when the House may attend him with their Addreſs.

Mr. Hancock reported, that Mr. Vanmiddleworth and himself waited on his Excellency, who was to fay, that he would let the House know by the Secretary.

The House adjourned till to-morrow Morning nine of the Clock.

Wednesday

Wednesday October 3 1750.

The House met.

A Petition of *Christopher Easler*, a Native of *Switzerland*, was read, praying leave to incert his Name in the Bill allowed to be brought in for naturalizing several other Foreigners; and it appearing that he hath taken the Oaths, and made and subscribed the Declaration appointed by Law,

Ordered,

That his Name be incerted accordingly.

Pursuant to leave, a Bill was brought in, entituled, *An Act for Naturalizing George Cooper, Philip Cooper, Theophilus Bindur, Hendrick Bindur, and Christopher Easler*, which was received and read, and ordered a second Reading.

A Message from his Excellency by Mr. Secretary.

" *Mr. Speaker,*

" His Excellency has ordered me to acquaint you, that he is in the Council Chamber ready to receive the Address of the House.

Mr. Speaker left the Chair, and with the House went to attend his Excellency: And being returned, *Mr. Speaker* resumed the Chair, and reported, that the House had waited upon his Excellency with their Address, which is as followeth.

To His Excellency JONATHAN BELCHER, Esq; Captain General and Governor in Chief, in and over His Majesty's Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice Admiral in the same, &c.

The humble Address of the House of Representatives, in General Assembly convened.

" *May it please your Excellency,*
WE His Majesty's most Dutiful and Loyal Subjects, the Representatives of the Colony of New-Jersey, in General Assembly convened, do return you our thanks for your favourable Speech.

We have had the several Papers mentioned in your Excellency's Speech, read in our House, and have ordered the distinct Titles to be entered in our Minutes, by which it will appear in a publick Manner, what Act of the Legislature here, his Majesty hath been pleased to confirm, and which of them he hath Disallowed; and it will also appear, what Laws the Parliament in the late Session have passed relating to the Plantations, and with you do not doubt, of a strict Observance and Conformity, of all the good People of this Colony thereto.

We

We do readily agree with your Excellency's Sentiments, in the bad Consequences that attend the Government's being without Support, which, not only we, but the late House foresaw, and to avoid those Mischiefs have made divers attempts to supply the Treasury, in the like method that hath been done long heretofore, without any bad Consequences that we know of: But those Endeavours have, as often as we undertook them proved Abortive, and how inclinable soever we may be to Support Government, we do not conceive how it can be done legally in any other way. Yet notwithstanding out of an ardent desire to Support his Majesty's Goverment over us, and to pay off the just Debts of the Colony, we shall once again use our endeavour to have the People taxed, in as equitable a manner as Circumstances will admit of to supply the Treasury, and for this purpose, we have ordered a Bill to be brought in.

Your Excellency is pleased to tell us, that "the raising of Supplies is more immediately in our Province." This House is humbly of Opinion, that the ways and means of doing thereof is as much our undoubted right. In order to make a careful Enquiry into the present State of the Treasury, we have ordered the Accounts thereof to be laid before us, and shall do every thing that we justly can on our Part, for the Support of Goverment; and for Paying off the other heavy Debts of the Colony, as soon as we can be enabled to do it, by a just Taxation on the several Counties.

We thank your Excellency for being full of Attention for his Majesty's Service, and the good of the Province; and do think that the Affairs of the Colony would have been in a much better Situation, had some of our Endeavours heretofore for such desirable Purposes, been permitted to come before you for your Approbation. We shall give the best Dispatch in our Power to what your Excellency hath laid before us, and to what other Affairs we shall think convenient to proceed on at this Time, that we may return to our Domestick Affairs at this busy Season of the Year.

Several of the Members being of the People called *Quakers*, agree to the Matter and Substance of this Address, with their usual Exception to the Stile.

By Order of the House

SAMUEL NEVILL, *Speaker*,

The House adjourn'd to 2 P. M.

The House met.

The Petition of *Joseph Bonny* was read a second Time, and referred to further Consideration.

A Motion being made, and the Question put, that a written Message from his Excellency on the 25th of last Month, be entered on the Minutes? It passed in the Affirmative.

Resolved,

That the same be entered accordingly, and it is as follows.

Gentlemen

" Gentlemen of the Council, and of the General Assembly,
 " THE late Treasurer of the Western Division of the Province being
 " Dead, my present Intention is to fill that Vacancy with Mr. Samuel
 " Smith now at Philadelphia, but is soon removing to Burlington, and as he
 " is a worthy Person, and very equal to the Office, I shall not doubt of its
 " being acceptable and grateful to you.

Perth-Amboy,

Sept. 25. 1750.

J. BELCHER.

The Bill for naturalizing George Cooper, Philip Cooper, Theophilus Bindur, Hendrick Bindur, and Christopher Easler, was read a second Time, and committed to Mr. Hancock, Mr. Fisher and Mr. Spicer.

The House adjourn'd till to morrow Morning nine o'Clock.

Thursday, October 4. 1750.

The House met.

According to order, the Treasurer of the Eastern Division laid his Account before the House.

Mr. Hancock from the Committee to whom the Bill for naturalizing George Cooper and others, was committed, reported the same with one Amendment, which was read in its place, and an Amendment being made thereto, it was agreed to by the House.

Ordered,

That the Bill as amended be engrossed,

Ordered,

That Mr. Lawrence, Mr. Cooke, Mr. Fisher, Mr. Leaming, and Mr. Spicer, be a Committee to join a Committee of the Council, to inspect the Treasurers Accounts, and also to inspect and burn the cancelled Bills, and make report to the House; and that Mr. Smith and Mr. Mickle do inform the Council thereof, and desire them to appoint a Committee for that Purpose.

Mr. Smith reported, that Mr. Mickle and himself, waited on the Council with the said Message.

The House adjourn'd to 2 P. M.

The House met.

John Allen, Esq; Son and Heir of John Allen, Esq; late Treasurer of the Western Division, attending, was called in, and laid before the House the Accounts of the said late Treasurer.

A Message from the Council by Mr. Leonard, acquainting the House, that the Council have appointed M. Hude, Mr. Kemble, and himself, or any two of

of them, to join the Committee of this House to inspect the Treasurers Accounts, and to burn the cancelled Bills and to make report to that House.

The Engrossed Bill entitled, *An Act for naturalizing George Cooper, Philip Cooper, Theophilus Bindur, Hendrick Bindur, and Christopher Easler,* was read and compared, and on the Question,

Resolved,

That the Bill do pass.

Ordered,

That Mr. Wetherill and Mr. Leaming do carry the same to the Council for their Concurrence.

Mr. Wetherill reported, that M. Leaming and himself delivered the said Bill to the Speaker in Council.

The House adjourn'd till to-morrow Morning nine o'Clock.

Friday, October 5. 1750.

The House met.

The Petition for the Bridge over Salem Creek at the Plantation late of Richard Woodnut, deceased, to be made a Toll Bridge, was read a second Time; and a Motion being made by Mr. Hancock, that leave be given to bring in a Bill for that Purpose at some future fitting, it was granted.

Ordered;

That Mr. Vanmiddlesworth and M. Brick do wait on his Excellency and acquaint him, that the House desire to be informed, what he has been pleased to do towards redressing a Grievance complained of in a Message of this House sent to him by Mr. Leaming and Mr. Camp on the 27th Day of February last.

The House adjourn'd to 2 P. M.

The House met.

Mr. Brick reported, that Mr. Vanmiddlesworth and himself, waited on his Excellency with the Message of the House, and he was pleased to say, he would send an Answer by the Secretary:

Ordered,

That a Committee of Grievances do sit every Wednesday during this Session if there be Occasion.

Resolved,

That the said Committee be a Committee of the whole House.

The House adjourn'd till to morrow Morning nine o'Clock.

Saturday October 6. 1750.

The House met.

A Message from the Council by Mr. Kemble, acquainting the House, that the Council have passed the Bill for naturalizing George Cooper, Philip Cooper, Theophilus Bindur, Hendrick Bindur, and Christopher Easter.

Mr. Leonard brought from the Council the Bill to enable the Legislature to settle the Quotas, &c. with one Amendment, which was read in its Place, and on the Question,

Resolved, nemine Contradicente,

That this House doth reject the said Amendment, and adhere to the Bill.

Resolved, nemine Contradicente,

That the Council have no Right to amend the said Bill, and that it is an Infringement, on the Rights and Privileges of this House, and the People we represent, for the Council to prescribe Ways and Means how Money shall be raised on the good People of this Province, for the Support of Government and paying the publick Debts of the Colony.

Ordered,

That Mr Cooke and Mr. Dey do carry the said Bill and Amendment back to the Council, and acquaint them with the above Resolves.

Mr. Cooke reported, that Mr. Dey and himself, delivered the said Bill and Message to the Speaker in Council.

Ordered,

That Mr. Van Buskirk do purchase two sets of the Laws of the Colony of New-York, and that Mr. Leaming purchase two sets of the Laws of Pennsylvania, one Set of each to be lodged at Perth-Amboy, and the other at Burlington, with the Clerks, for the Use of the House..

Mr. Cooke from the Committee appointed to inspect the Laws collated and prepared by Mr. Speaker, reported; that they have inspe&ted the same, and its the Opinion of the Committee, that they are prepared conformable to the Orders of the House on the 13th of December 1748.

Ordered,

That Mr. Lawrence and Mr. Leaming do wait on his Excellency, and acquaint him, that this House have little Encouragement to proceed upon the most important Business of the Colony, and having no other Business before them but what may be safely deferred to a further Time, they desire he will be pleased to put an End to the Sitting,

Mr. Lawrence reported, that Mr. Leaming and himself, waited on his Excellency with the said Message, who was pleased to say, that he hoped he should be ready to part with the House on Monday next.

The House adjourned till Monday morning nine of the Clock.

Monday

Monday October 8 1750.

The House met.

A Petition of sundry Inhabitants of the Counties of Middlesex and Essex, praying leave to bring in a Bill for rebuilding, repairing, and amending the Bridge over Raway River, near the Mills formerly called Courtland's Mills, at the Expence of the two Counties, was read and ordered a second Reading.

The House adjourn'd to 2 P. M.

The House met.

Ordered,

That the Laws of this Province, as now compiled by Mr. Speaker, be committed to the Pres^s, under his Management, Direction, Care and Inspection; and that he deliver One Hundred and Sixty Books of the said Laws compleatly Bound to the House of Assembly, for the Ute of the Province, at Twenty five Shillings, Proclamation, each Book; and that Mr. Speaker have the Liberty of Printing what Number he shall think convenient and necessary for supplying the Publick with the said Laws, at the Price before mentioned, for his own Ute and Benefit: And that the said Laws be printed by the King's Printer for this Colony.

A Message from the Council by Mr. Kemble, in the following Words.

' Ordered,

' That Mr. Kemble do carry to the House of Assembly the Bill entitled, *An Act to enable the Legislature to Jettle the Quotas, &c.* with the Amendment made thereto by this House, and acquaint the Assembly, that this House have taken into Consideration the said Amendment, and the Message of that House of the sixth Instant, concerning it, which Amendment is in these Words,

" *Whereas by the Royal Instructions to his Excellency the Governor, he is directed in these Words, Provided always, that you do not Consent to any Act or Acts to lay any Tax upon unprofitable Lands. It is hereby declared that nothing in this Act is meant or intended to break in upon the said Instruction, or to warrant the Assessors to put any unprofitable Lands into the said List or Account of Things to be taxed."*

' That we are sorry to find such Censures of our said Amendment in the said Message, as we cannot apprehend how it can be liable to. By the said Message People would imagine, that we had therein prescribed Ways and Means how Money shall be raised on the good People of this Province: We, for our Parts, cannot see any such Thing in our said Amendment. We think this House hath as much at Stake in this Colony as the House of Assembly, and as much concerned in its well being, and for the Rights and Privileges of the People in it; for which Reason we should be as much as the Assembly averse to any Infringement on their Rights and Privileges. But

 But besides that, we are under Oaths for the Performance of our Duty as Councillors, which is an Obligation upon us which the Members of the Assembly are not under as Assembly-men.

Were we not under those Oaths, yet we should think we deviated far from that duty we owe to his Majesty, should we agree to the breaking thro' the Instruction set forth in our Amendment, as we conceive the Bill does in its present form, and in the form it has been for six Times sent up to us within three Years last past; But as we are also under Oaths for the Performance of our Duty, we think we should have been guilty of the breach of those Oaths, had we passed it in the manner it stood without that Amendment, which has been thrice before made to like Bills in the same Words within two Years last.

That we were in hopes, that what passed between the two Houses concerning that Bill, appearing in the Minutes of the Council and Assembly of October 1749. would have put an end to further groundless Charges, and Insinuations against us concerning it, but the said Message and the Address of the Assembly to his Excellency of the third instant, convince us we were mistaken in thinking so: With what view the House of Assembly do, from Time to Time, publish such groundless Charges and Insinuations against us, as appears in the said Minutes of October 1749 and in the said Address and Message, we are at a loss to know; we are unwilling even so much as to imagine that it can be to exasperate the People against us.

That we think we ought not to omit Observing on those words of the said Address viz. *Have made divers attempts to supply the Treasury, in the like method that hath been done long heretofore without any bad Consequences that we know of.* From whence any Persons unacquainted with the truth of Facts, we think would imagine that Bills of like Tenor as this Bill in Question, had been long frequent and customary in this Province, and that we opposed an approved Form; but the Fact is to far otherwise, that we never heard of such a Bill in this Province till within these three Years passed; *a Bill for settling Quotas and no Money given by it to his Majesty for support of his Government.*

All Bills that ever we heard of in this Province, which directed Quotas, gave also the Money to his Majesty for support of his Goverment, that was to be raised by those Quotas; and those Quotas were in a very different manner from what's proposed by this Bill.

What the Assembly's intention is by such an Innovation as this Bill, and by laying aside the accustomed method, we know not; but it seems to us by it, that they by this Bill intend that Lands shall hereafter be Taxed by the Acre and not according to the Value (as the number of Acres and not the value is required to be taken by this Bill) so that the poor People who live on poor Land, shall pay as much Tax by the Acre for their poor Land, as the rich People shall pay for Lands of twenty and forty times the

' the value per Acre. And should a Tract contain nineteen Acres of unprofitable Land for one Acre of Profitable, the whole twenty Acres shall pay as much Tax, as if it were all Profitable.

' That these things are "*in as equitable a manner as Circumstances will admit of and a just Taxation*" as the Assembly in their said Address do say of this Bill, we have not been able to apprehend ever since such a Bill as this was first offered in 1747, and to which first Bill of this kind we then made three Amendments, and to one of which the Assembly then agreed, but to the other two Amendments they disagreed, and this House adhered to them; how this House has become deprived of the Right to amend that Bill, as the said Message Resolves we are, does in no way appear to us.

' That we think its far from *doing by our Neighbour as we would have done to ourselves*, to oblige one to pay ten, twenty or forty times as much Tax, according to the value of his Estate, as another, because their quantity of Acres happened to be equal; which we think would be the obvious consequence should we pass this Bill, as it stood without our Amendment.

' And Lastly, do acquaint the Assembly, that this House doth unanimously adhere to their Amendment aforesaid to the said Bill.'

A Message from his Excellency by Mr. Secretary in the following Words:

" Gentlemen of the General Assembly,
 " To your Message of the 27th of February last, I gave you for Answer
 " on the same day, that I should Act in the matter by Advice of his
 " Majesty's Council, in such manner as would have the best tendency for the
 " the Support of the Prerogative of the Crown, and the Liberties of the People.
 " In Answer to your Message of the 5th Instant I would inform you, that I laid
 " your Message of the 27th of February before his Majesty's Council, who
 " were unanimously of Advice that the Justices ought not to be removed, and
 " it is his Majesty's Royal Order to me, not to remove any Justice in Com-
 " mission for the Peace without the Advice and Consent of his Majesty's Coun-
 " cil."

Perth Amboy, October 8 1750.

J. BELCHER.

Another Message from his Excellency by Mr. Secretary:

" Mr. Speaker.
 " His Excellency is in the Council Chamber, and requires the Attendance of this House immediately."

Mr. Speaker left the Chair, and with the House attended his Excellency, who was pleased to give his Assent to a Bill, enacting the same, entitled as follows,

An Act for naturalizing George Cooper, Philip Cooper, Theophilus Bindur, Hendrick Bindur, and Christopher Easler.

And then to adjourn the General Assembly till the seventh Day of November next.

BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, Speaker.

B to 61
B to 83

N^o. 33, a.

T H E

V O T E S

A N D

P R O C E E D I N G S

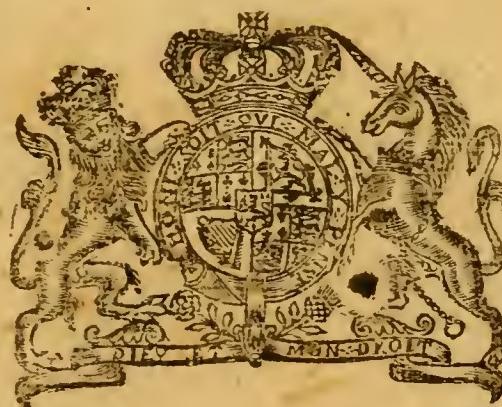
O F T H E

General ASSEMBLY

O F T H E

Province of NEW-JERSEY,

Held at BURLINGTON on Thursday the 24th of January 1750-1.



P H I L A D E L P H I A.
Printed by WILLIAM BRADFORD, in Second Street.

12月20日

晴天

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VOTES

O F T H E

General ASSEMBLY

B U R L I N G T O N, Thursday January 24. 1750. I.

PURSUANT to his Excellency's several Adjournments of the General Assembly to this Day, the House met, and adjourn'd till to-morrow Morning nine o'Clock.

Friday, January 25. 1750.

The House met, and there not being a sufficient Number to proceed to Business, adjourn'd till to-morrow Morning nine o'Clock.

Saturday, January 26. 1750.

The House met, and there not being a sufficient Number to proceed to Business, adjourn'd till Monday Morning nine o'Clock.

Monday, January 28. 1750.

The House met.

Ordered,

That Mr. *James Smith* and Mr. *Bispham* do wait upon his Excellency and acquaint him, that a sufficient Number of the Members to proceed to Business are met, and ready to receive any Thing he has to lay before them.

Mr. *Smith* reported, that Mr. *Bispham* and himself, waited upon his Excellency according to the Order of the House, who was pleased to say, he would send an Answer by the Secretary.

Mr. *Mickle* informed the House, that *James Hinchman*, Esq; one of the Representatives for the County of *Gloucester*, is deceased.

Ordered,

That Mr. *Speaker* do issue his Warrant to the Clerk of the Crown to make out a Writ for the Election of a Representative for the said County in the room of the said deceased.

James

James Holmes, Esq; being returned a Member for the County of *Monmouth*, in the room of *John Eaton, Esq;* deceased, was qualified in the House before *Mr. Speaker, Mr. Lawrence, Mr. Spicer, and Mr. Smith.*

Ordered,
That *Mr. Holmes* do take his Seat in the House.

A Message from his Excellency by *Mr. Secretary.*

‘ *Mr. Speaker,*
‘ I am ordered to acquaint the House, that as there is not a sufficient Council in Town, his Excellency intends to prorogue the House till four o’Clock to-morrow in the Afternoon.

Tuesday, January 29. 1750.

Pursuant to his Excellency’s Prorogation, the House met.

A Message from his Excellency, by *Mr. Secretary.*

‘ *Mr. Speaker*
‘ His Excellency is in the Council Chamber, and requires the Attendance of this House immediately.

Whereupon *Mr. Speaker* left the Chair, and with the House went to wait on his Excellency. Being returned, *Mr. Speaker* resumed the Chair, and reported, that his Excellency was pleased to make a Speech to both Houses, of which, to prevent Mistakes, he had obtained a Copy.

Ordered,
That his Excellency’s Speech be read immediately, and it was read, and is as follows.

Gentlemen of the Council, and of the General Assembly,

‘ IT is with much concern that I find myself obliged to observe to you, that your difference in Opinion, as to the Way and Manner of levying a Tax for Support of the Government, and which has so long subsisted, is not only productive of Injustice and Oppression to all that have Demands on the Province, but must in the End bring a train of bad Consequences upon the whole People.

‘ In Duty to the King, and from a just Regard to the good People of the Province, I have not failed to convene you in General Assembly once and again, to consider the State of the publick Affairs; but for near eighteen Months past, no Provision has been made for the necessary Support of the Government, and for the Payment of the publick Debts: Such sort of Management, I am afraid, will be thought by our Superiors, to carry the Complection of undutifulness to His Majesty, and of neglect and disregard to the good People under our Care; for the still keeping of the Treasury empty, must of Course bring great Difficulties upon the King’s Government, and greater Distress upon the Province, as the Debt will grow heavier.

‘ I there-

‘ I therefore hope Gentlemen (as this is a leasure Season) you will set with Patience, and with close Attention consider these Things, and so agree among yourselves, as to fall into wise and prudent Measures for obviating the present Difficulty, and for preventing any Thing of the like Nature for the future : And you may depend on my concurring with you in every Thing in my Power for advancing his Majesty’s Service and Honour, and the good Order, Peace, and Prosperity of the Province.

Gentlemen,

‘ Since our last Meeting I have had the Honour of a Letter from the Right Honourable the Lords Commissioners for Trade and Plantations, desiring me to send them, with all possible dispatch, a Chart or Map of this his Majesty’s Province of New-Jersey ; and this is also agreeable to the King’s 75th Royal Instruction, directing me to transmit a Map with the Description of His Majesty’s whole Territory under my Government.

‘ I have also lately received a Letter from his Excellency the Honourable Mr. Clinton, His Majesty’s Governor of the Province of New-York, acquainting me with his Intentions of meeting those Tribes of Indians called the Six Nations, at the City of Albany, some time in the Month of June next; and desiring this Government to become a Party at the intended Interview. His Majesty’s Royal Instruction and the Letters I have mention’d, shall be laid before you.

‘ To have the Province perambulated and carefully surveyed, and from thence a correct Map to be Drawn, delineating the several Boundaries, would doubtless be of great Use and Advantage to the Government, as well as to the present and future Inhabitants of the Province ; and in this Matter I more particularly refer you to the Papers I have mentioned relating to it.

‘ As to the Affair of meeting the Six Nations of Indians, nothing seems to me more reasonable than that all the Colonies, which may be, sooner or later, annoyed and ravag’d by their barbarous Incursions, upon their Defection to the French, should unite in the intended Treaty at Albany, and chearfully contribute their equitable Proportion of the Charge : But Governor Clinton’s Letter sets this Matter in so just and clear a Light, that I shall only add, in case you shou’d agree to the Thing, I am ready to undertake the fatigue of such a Journey for the Service of the Province ; or otherwise that it be devolved on Commissioners chosen and appointed by the whole Legislature.

Gentlemen of the General Assembly,

‘ If these Things are entered upon, you are sensible Money must be provided to defray the Charge, and that is properly in your Province to do.

Gentlemen of the Council, and of the General Assembly,

‘ As often as I may have Occasion to speak to you in a publick Manner, give me leave always to wish for Concord and Unity in your Deliberations,

as the best expedient for giving a good dispatch to the Affairs of the Province.

Burlington, January

29. 1750-1.

J. B E L C H E R.

Ordered,

That his Excellency's Speech have a second Reading.

Mr. Secretary attending, laid before the House the several Papers referred to in his Excellency's Speech, which were read and ordered a second Reading.

The House adjourn'd till to-morrow Morning 9 o'Clock.

Wednesday, January 30, 1750.

The House met.

His Excellency's Speech, according to order, was read the second Time, and committed to a Committee of the whole House. The Papers referred to in his Excellency's Speech were also read the second time, and referred to the said Committee.

Ordered,

That Mr. *J. Smith*, Mr. *Wetherill*, Mr. *Spicer*, Mr. *Leaming* and Mr. *Mott*, be a Committee to bring in a Bill to revive the Militia Act.

A Petition was presented to the House from *Joseph Bonney*, a Prisoner in the Goal of *Somerset*, setting forth, the Calamities of himself, his Wife and Children, occasion'd either by the illegal Proceedings of *Jshn Riddell*, late Sheriff of *Somerset* County, or by the neglect of the Person entrusted to see the Sheriff qualified according to Law ; the said *Riddell* having removed himself out of the Province, with the Money he had as Sheriff obtained, by selling the Mills and Estate of said *Bonney* ; and the said *Riddell* not being qualified according to Law, the Petitioner apprehends himself unlawfully dispossess'd of his said Mills and Estate ; and alledging that he is thereby not only unable to get his Estate again, but his Creditors are also deprived of their just dues ; and praying that some way may be found to relieve him from his Imprisonment, and that his Creditors may get their Money, and himself have suitable Satisfaction for the Injuries he has received : Which was read and ordered a second Reading.

A Petition from divers Freeholders and Inhabitants of the County of *Middlesex*, in behalf of themselves and others, was presented to the House, setting forth, that they apprehend themselves likely to be considerable Sufferers if a Bridge should be built at the general Expence of the Counties of *Middlesex* and *Essex*, over *Raway River*, near or opposite to the House and Mills of *Samuel Marsh*, and therefore praying the House would not pass any Act whereby a Tax may be levyed on the People of the said Counties for building said Bridge. Which was read and ordered a second Reading.

A Petition

A Petition from five distress'd Prisoners for Debt, in the Goal of *Perth-Amboy*, was presented to the House, setting forth, that they are utterly destitute of all Hopes of Relief, except the Legislature will be pleased to interpose, by passing an Act of Grace in their favour. Which was read and ordered a second Reading.

The House resolved itself into a Committee of the whole House, to consider his Excellency's Speech, and Papers referred to therein. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hancock, Chairman, reported, that the Committee had made some Progress in the Matters to them referred, and desired leave to sit again. To which the House agreed.

The House adjourn'd to 2 P. M.

The House met.

The House resolved itself into a Committee of the whole House, to further consider his Excellency's Speech, and the Papers referred to therein. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hancock reported, that the Committee had gone thro' the Matters to them referred, and had come to a Resolution, that an humble Address be presented to his Excellency, in Answer to his Speech. To which the House agreed.

Ordered,

That Mr. Cooke, Mr. Lawrence, Mr. Spicer, Mr. Leaming, and Mr. Fisher, be a Committee to prepare a Draught of the said Address.

Ordered,

That Mr. Hancock, Mr. Wetherill, Mr. Crane, Mr. Bispham, and Mr. Holmes, be a Committee to prepare and bring in a Bill to enable the Legislature to settle the Quotas of the several Counties in this Colony.

Resolved,

That there be a Committee of Grievances to sit every Wednesday in the Afternoon, and that the same be a Committee of the whole House.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, January 31. 1750.

The House met.

The Petition of Joseph Bonney was read the second time.

Ordered,

That the Clerk of the Peace for the County of *Somerset*, do attend this House, on or before *Tuesday* next, with the Records of the said County and the Roll, and what other Credentials he may be possess'd of, relating to the Qualification of John Riddell, late pretended Sheriff of *Somerset* County, and that the Serjeant at Arms do serve him with a Copy of this Order.

Ordered,

Ordered,
That the laid Petition be referred to further Consideration.

The Petition of divers Freeholders and Inhabitants of the County of *Middlesex*, against the Bridge propos'd over *Raway River*, was read the second time, and referred to be considered with the other Petition praying for the said Bridge.

The Petition from the five distress'd Prisoners for Debt in the Goal of *Perth-Amboy*, was read the second time and referred to further Consideration.

A Petition was presented to the House, from the Inhabitants of *Saddle River*, in *Bergen County*, setting forth, the Difficulties they labour under, by being obliged to maintain, at their own Charge, several Bridges that are of publick Advantage, and praying for an Act to make the said Bridges a County Charge : Which was read and ordered a second Reading.

Two Petitions were presented to the House; one from the Major part of the Justices (*Quorum unus*) and also the Freeholders (except one) chosen to represent the several Townships of the County of *Morris*. And the other from the Justices and Freeholders of the lower part of the said County of *Morris*. The first praying for a Division of the said County ; and the last, that the Court House may be fixed near the Goal in *Morris Town* : Which were read and ordered a second Reading.

The House adjourn'd to 2. P. M.

The House met.

A Petition from *Ebenezer Doud* and *Stephen Barns*, Prisoners in *Morris County Goal*, was presented to the House, setting forth, that they are ready to make over all their Effects to their Creditors, and praying, they may be discharged from their Confinement : Which was read and ordered a second Reading.

The House adjourn'd till to-morrow Morning nine o'Clock.

Friday, February 1. 1750.

The House met.

Mr. *J. Smith* from the Committee appointed to bring in a Bill to revive the *Militia Act*, brought in a Bill for that Purpose ; which was read and ordered a second Reading.

The two Petitions relating to the Division of *Morris County*, and fixing a Court House, were, according to order, read the second time, and referred to further Consideration.

The House adjourn'd to 2 P. M.

The

The House met:

A Petition from *Robert Webb, Isaac Gibbs and William Ricketts, Prisoners in Burlington Goal* was presented to the House, setting forth their Distresses, and praying, the late Act for the Relief of poor distress'd Prisoners for Debt, may be revived. Which was read and ordered a second Reading.

The Bill entitled, *An Act to revive an Act, entitled, An Act for the better settling and regulating the Militia of this Colony, &c.* was read the second Time, and committed to Mr. Crane and Mr. Van Middleworth.

The Petition of *Ebenezer Doud and Stephen Barns*, was read the second time, and referred to further Consideration.

The Petition from the Inhabitants of *Saddle River, in Bergen County*, was read the second time and referred to further Consideration.

The House adjourn'd till to-morrow Morning nine o'Clock.

Saturday February 2. 1750.

The House met.

Mr. Crane from the Committee to whom was referred the Bill entitled, *An Act to revive an Act, entitled, An Act for the better settling and regulating the Militia, &c.* reported, that they had made several Amendments thereto; which, with the Bill, he delivered in at the Table; and the said Bill being read, with the Amendments in their Places, and some additional Amendments made in the House,

Ordered,

That the said Bill, as amended, be engrossed.

Ordered,

That Mr. Lawrence, Mr. Cooke, Mr. Hancock, Mr. Spicer, Mr. Fisher; *their* Mr. Webberill, and Mr. Leaming, or any three of them, be a Committee to inspect the Laws, Records, and other fundamental Constitutions relating to *the first Settlement of New-Jersey*, in each Division.

The House adjourned till *Monday* morning nine of the Clock.

Monday February 4 1750.

The House met.

Mr. Hancock from the Committee appointed for that purpose, brought in a Bill entitled, *An Act to enable the Legislature to settle the Quotas, &c.* Which was read and ordered a second Reading.

The House adjourn'd till to-morrow Morning nine o'Clock;

C

Tuesday

Tuesday, February 5. 1750.

The House met.

The engrossed Bill, entitled, *An Act to revive an Act, entitled, An Act for better settling and regulating the Militia of this Colony of New-Jersey, for the repelling Invasions and suppressing Insurrections and Rebellions,* was read and compared, and on the Question,

Resolved,
That the Bill do pass.

Ordered,

That Mr. J. Smith and Mr. Spicer do carry the said Bill to the Council for Concurrence.

Mr. J. Smith reported, that Mr. Spicer and himself, delivered the Bill with them intrusted, to Mr. Reading one of the Gentlemen of the Council.

The Bill entitled, *An Act to enable the Legislature to settle the Quotas, &c.* was read the second time, and committed to a Committee of the whole House.

The House resolved itself into a Committee of the whole House, to proceed on the Quota Bill. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Hancock, Chairman, reported, that they had gone thro' the said Bill, and made several Amendments thereto; which were read in their Places, and agreed to by the House.

Ordered,
That the said Bill, as amended, be Engross'd,

The House adjourn'd till 2 P. M.

The House met, and adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, February 6. 1750.

The House met.

The engrossed Bill, entitled, *An Act to enable the Legislature to settle the Quotas of the several Counties in this Colony, in order for levying of Taxes from time to time, as Occasion may require, for Payment of the publick Debts, for support of Government, and defraying the Contingent Charges thereof;* was read and compared, and on the Question,

Resolved, nemine Contradicente,
That the Bill do pass.

Ordered,

That Mr. Fisher, and Mr. Emley do carry the said Bill to the Council for Concurrence.

Mr.

Mr. Fisher reported, that Mr. Emley and himself, delivered the Bill with them entrusted, to the Speaker in Council.

The Clerk of the Peace for the County of Somerset attending, laid before the House the Records and Rolls of said County; and the Petition of Joseph Benney being taken into further Consideration, the same was referred to the Committee of Grievances.

The House adjourn'd to 2 P. M.

The House met.

The House according to the Order of the Day, resolved itself into a Committee of the whole House, to consider the Grievances of the Colony. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman, reported, that the Committee in proceeding on the Subject Matter of the Petition of Joseph Bonner, had found it necessary, that Isaac Hornor should be sent for to attend the House as an Evidence; and that the Committee desired leave to sit again to-morrow in the Afternoon; which was agreed to by the House.

Ordered,

That the Serjeant at Arms do give Notice to Isaac Hornor, to attend this House as an Evidence on the Affair aforesaid, to-morrow at 2 o'Clock in the Afternoon.

The adjourn'd till to-morrow Morning nine o'Clock.

Thursday, February 7. 1750.

The House met.

Mr. Lawrence from the Committee on the publick Records made the following Report.

see page ante.

The Committee appointed to inspect the Laws, Records and other fundamental Constitutions, relating to the first Settlement of New-Jersey, do agree that Robert Lawrence, Esq; report to the House, that it appears to the said Committee, that the Soil and Government of the Colony of New-Jersey, among other Things, were granted by King Charles the Second, to his Brother James, Duke of York.

That the said James, Duke of York, transferred the same to John Lord Berkley, and Sir George Carteret, who to encourage the further Settlement and Cultivation of this then almost Savage Colony, entered into certain Concessions and Agreements, with the Freeholders and Inhabitants which then did, and should thereafter, inhabit the said Colony: Which Concessions and Agreements were esteemed the fundamental Plan of Government; and now remain recorded in the Secretary's Office at Perth-Amboy.

That

That after this, the said Colony became divided into two equal Districts or Divisions, distinguished by the Names of *East* and *West New-Jersey*; whereof *East New-Jersey* was claimed by the said Sir George Carteret, under whom, and by Virtue of other good Assurance in Law, sundry Persons to the Number of Twenty four, afterwards also claimed, who have been distinguished by the Name of *Proprietors*, and entered into further Concessions with the People, for the good Government of the said *East New-Jersey*. And *West New-Jersey*, became the Property of sundry other Persons, by Virtue of one certain Conveyance from the said John Lord Berkley, and other good Assurance in Law, which Persons have since also been distinguished by the Name of *Proprietors*, who also entered into further Concessions with the People of the said *West New-Jersey*, for the good Government thereof.

That by Virtue and in Pursuance of the before recited Concessions and Agreements, the Powers of Government were for a considerable Time exercis'd within this Colony, in which Time sundry Laws were enacted in Ratification of the said Concessions and Agreements, and for the good Government of the People, and sundry other Things transacted in conformity to the original Plan. Some of which Concessions, Agreements and Laws, relate to the taxing of Lands, and to the securing of Men's Property in Lands legally taken up and posses'd; and having been lodged in several difficult Hands, and not come so fully to the Knowlege of the Publick as could be desired, whereby the People have been generally unacquainted with the Means of securing themselves in their Possessions by Virtue of the said Concessions, Agreements and Laws; therefore the Committee conceive it may be for the publick good to have all the said Concessions, Agreements and Laws printed with all convenient Dispatch, together with all other Records Instruments and Papers relating to the fundamental Constitution of this Colony, and humbly recommend the same to the House for their most serious Consideration.

The House taking the said Report into Consideration, after due Deliberation thereon, do agree thereto, *nemine Contradicente*.

Ordered,

That exact Copies of all the Concessions and Agreements made by the Proprietors of *New-Jersey*, with the People at the first Settlement thereof; and all the Laws past during the Proprietary Government; together with all other Records, Instruments and Papers relating to the fundamental Constitution of this Colony, be printed with all convenient dispatch, and collated in one Volume.

That each Law, and other Matter, be carefully examined and corrected by the Originals, or Records thereof in the Secretaries Office, or wherever else they may be found.

That a Table be composed of all the principal Heads of the Laws and Matters above mentioned.

Ordered

Ordered,

That the Honourable *Samuel Nevill, Esq;* *Robert Lawrence, William Cooke,* *John Wetherill, Thomas Bartow* and *Samuel Smith, Esqrs.* or any four of them, do carry on the said Work, according to the foregoing Directions: And that they, or any one of them, have at any time free access to the original Concessions, Agreements, Laws and other publick Papers, Records, and fundamental Constitutions of this Colony for that Purpose. And that any Member of this House may be present at such access, and inspect the same if inclinable. And that the whole be committed to the Press under the Management, Direction, Care and Inspection of the said *Samuel Nevill* and *Samuel Smith, Esqrs.* or either of them; and that they deliver One Hundred and Seventy Books of the said Concessions, Agreements, Laws and fundamental Constitutions compleatly Bound, to the House of General Assembly, for the Use of the Colony, at the rate of *two pence per Sheet*, and reasonable allowance for the Binding, according to the Contract by them to be made with the Binder. And that the said *Samuel Nevill* and *Samuel Smith, Esqrs.* have the Liberty of Printing what Number they shall think Convenient and Necessary for supplying the Publick with the said Concessions, Agreements, and Laws, &c. at the Price before mentioned, for their own Benefit; and that the same be printed by the King's Printer of this Colony.

Ordered,

That the said *Samuel Nevill, Robert Lawrence, William Cooke, John Wetherill, Thomas Bartow* and *Samuel Smith, Esqrs.* or any one of them, do make diligent enquiry and search for the Instrument or Record of the Surrender made by the Proprietors of this Colony, at the Surrender of the Government to the Crown: And also for what Concessions were entered into by the Crown at the Time of the Acceptance of such Surrender in behalf of the People. And that the said *Samuel Nevill, Robert Lawrence, William Cooke, John Wetherill, Thomas Bartow* and *Samuel Smith, Esqrs.* or any one of them, have at any Time free Access to all Instruments, Records, and Papers, where ever to be found, relating to this Affair; and whatever they shall from thence discover, that they, or some of them, make report thereof to the House of General Assembly.

A Message from the Council by Mr. Saltar, acquainting the House, that the Council have this Day passed the Bill entitled, *An Act to revive an Act, entitled, An Act for better settling and regulating the Militia of this Colony, &c.*

The House adjourn'd to 2. P. M.

The House met.

According to the Order of the Day, the House resolved itself into a Committee of the whole House to further consider the Grievances of the Colony. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman, reported, that the Committee had made some further Progress in the Matters to them referred, and desired leave to sit again to-morrow Morning. To which the House agreed.

D

A Petition

A Petition was preferted to the House from divers of the Inhabitants of this Province, setting forth, the distress'd Condition of the Province by Reason of the great Number of unnecessary Taverns, and praying Redress; which was read and ordered a second Reading.

The House adjourn'd till to-morrow Morning nine o'Clock.

Friday, February 8. 1750.

The House met.

The Petition from divers of the Inhabitants of this Province, setting forth the great Number of unnecessary Taverns; was read the second Time, and referred to the Committee of Grievances.

According to the Order of the Day, the House resolved itself into a Committee of the whole House, to further consider the Grievances of the Colony. After some time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman of the Committee, reported, that they had made some further Progress in the Matters to them refered, and desired leave to sit again in the Afternoon. To which the House agreed.

Mr. Leonard brought from Council the Bill to enable the Legislature to settle the Quotas, &c. with one Amendment, which was read in its Place, and on the Question.

Resolved, nemine Contradicente,

That this House doth reject the said Amendment, and adhere to the Bill.

Resolved, nemine Contradicente,

That the Council have no Right to amend the said Bill, and that it is an Infringement, on the Rights and Privileges of this House, and the People we represent, for the Council to prescribe Ways and Means how Money shall be raised on the good People of this Province, for the Support of Government and paying the publick Debts of the Colony. ✗

Ordered,

That Mr Cooke and Mr. Dey do carry the said Bill and Amendment back to the Council, and acquaint them with the above Resolves.

Mr. Cook reported, that Mr. Dye and himself, delivered the Bill and Message with them entrusted, to Mr. Saltar, one of the Gentlemen of the Council.

The House adjourn'd to 2 P. M.

The House met.

The House resolved itself into a Committee of the whole House, to further consider the Grievances of the Colony. After some time spent there-
in

*See the proceedings of Council on this resolution
in N° 33. 6. and N° 33. 2. 11. 19.*

in, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman of the Committee, reported, that the Committee had made some further Progress in the Matters to them referred, and desired leave to sit again to-morrow Morning. To which the House agreed.

A Petition was presented to the House from sundry other of the Inhabitants of this Province, setting forth the Inconveniencies of the great Number of Publick Houses, and praying redress; which was read and ordered a second Reading.

The House adjourn'd till to-morrow Morning 9 o'Clock.

Saturday, February 9. 1750.

The House met.

The Petition from sundry of the Inhabitants of this Province, relating to the great Number of Publick Houses, was read the second time, and referred to the Committee of Grievances.

A Petition was presented to the House from several of the Inhabitants of the County of *Bergen*, against laying out a publick Road from *Quapsek* near *Walpeck*, to the Country Road that leads from *Tapou* to *Vebauk*; which was read and ordered a second Reading.

The House resolved itself into a Committee of the whole House, to further consider the Grievances of the Colony. After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman of the Committee, reported, That they had gone through the Matters to them referr'd, relating to *Joseph Bonney's* Petition, and the Appointment and Qualifications of *John Riddell*, late pretended Sheriff of *Somerset* County, and had come to sundry Resolutions thereupon, which he is ready to report, when the House will be pleased to receive the same: And that he is ordered by the said Committee, to desire leave to sit on *Monday* next, in the Afternoon, to proceed upon other Matters. To which the House agreed.

Ordered,

That the said Report be made immediately. And it was made, and is as follows:

The Committee taking into Consideration the Affair relating to *Joseph Bonney*, and *John Riddle*, late pretended Sheriff of *Somerset* County, do find the same, as followeth, *viz.*

That *Thomas Leonard*, Esq; one of his Majesty's Council of this Colony, was the chief Magistrate of the said County, and undertook to take Security of, and qualify the said pretended Sheriff.

That it plainly appears, that it was well known to the said Judge *Leonard*, that the Sureties so taken, were neither of them Freeholders in the said County, as the Law requires they should have been.

That

That by inspecting the Roll of said County, and from other good Evidence, it plainly appears, the said pretended Sheriff, neither signed the said Roll, nor took the Oaths to the Government, as by Law he ought to have done.

That it plainly appears, the said pretended Sheriff did not take the Oath, for Performance of his Duty, in the Form by Law prescribed.

That there is much Reason to believe, the said pretended Sheriff, was not a Freeholder of the said County, in the Manner the Law required, in order to have qualified him for his Office.

That it plainly appears, the said pretended Sheriff, both before and since his appointment to that Office, was a Person of an infamous Character, and vicious Behaviour, and had little or no Estate ; to all which, the said Judge *Leonard*, could not be a Stranger. And that his being appointed to that Office, was therefore a Matter of Concern, Surprise, and Dissatisfaction, to the Generallity of the principal Inhabitants of the said County. And, that he was generally suppos'd to have been recommended to his Excellency by the said Judge *Leonard*.

That from the best Lights hitherto received, it appears, the said Judge *Leonard* suffered the said pretended Sheriff to act, under Colour of his Commission, before he had taken one Step towards a Qualification ; and, that he continued so to act, until the Clerk of the said County, refused to seal and deliver him any more Writs, upon Account of his not being qualified. And that afterwards, notwithstanding the Disqualifications before mentioned, the said Judge *Leonard*, suffered him the said pretended Sheriff to exercise the said Office ; and, among other illegal Proceedings, he sold the Mills and other Estate, of the said *Joseph Bonney*, and, by credible Information, hath run away with upwards of Two Hundred Pounds of the Money arising from the Sale thereof ; for want of which, the said *Bonney*, is now confined in the Goal of the County aforesaid, and his Wife and Family in great Distress, and, what greatly aggravates this unhappy Affair, is, that if the said pretended Sheriff, had not either run away, or had otherwise been of Ability, or if his Securities were sufficient, according to Law, to make good the Damages, 'tis suppos'd the said *Bonney's* Estate would have paid his Debts, and himself been at liberty to have made further Provision for his Family ; but, as it is, both *Bonney* and his Creditors are considerable Sufferers.

That it does not appear, that his Excellency had any personal Acquaintance with the said *John Riddell*, at the Time of his being appointed Sheriff ; but there seems good Reason to believe, he was prevail'd on to appoint him to that Office, by the Recommendation of the said Judge *Leonard*, and the Advice of Council.

That it appears to this Committee, by such Information, as they have just Reason to believe, that the said pretended Sheriff, assisted by the said Judge *Leonard*, under false Colours and Pretences, inveigled and drew in one *John Turner* (who at that Time lay sick at *Riddell's* House) to become Security for him

him the said pretended Sheriff ; as an Inducement to which, the said pretended Sheriff told the said *Horner*, that one *John Denison*, a Freeholder in the County of *Middlesex*, and a Man of good Circumstances, was also to be one of his Security ; and, to compleat the Deceit, the Name of the said *Denison* was inserted in the original Bond, when brought to be executed by the said *Horner* ; that he, the said *Horner*, being scrupulous of entering into the said Obligation, because the said *Denison* had not appeared there, nor had executed the said Bond, Judge *Leonard* promised, that he would take Care that the said *Denison* should do it ; upon which Promise, *Horner*, and one *Montier*, became the said pretended Sheriff's Security, and, together with the said pretended Sheriff, executed the said Bond. That the said Bond, being sealed, delivered, evidenced and acknowledged, before the said Judge, then became, by the Law, a Matter of Record, and was to be delivered by the said Judge to the Clerk of the County of *Somerset*, to be entered upon the Records of the said County, and, afterwards, the said original Bond, was to be transmitted by the said Clerk to the Clerk of the Suprême-Court, there to remain among the publick Records of this Colony.

And this Committee are further inform'd, that the said original Bond is in the Secretary's Office, at *Perth Amboy* ; but that the Name *John Denison*, is now eras'd in the said Obligation.

That the Committee being willing to act in this Affair with the utmost Candour and Impartiality, ordered two of their Members to inform the said Judge *Leonard*, in a private Way, that the House desired he would give such Information as was in his Power, relating to the Qualifications of the said late pretended Sheriff ; but the said Judge, having refus'd to give any such Information, his Omission, but too loudly implies his Misbehaviour therein.

That as the said Judge *Leonard* is one of the Members of his Majesty's Council, and acts in an high Station, 'tis difficult to call him before this Committee, to give an Account of his Proceedings, touching the said Premises.

Resolved, nemine Contradicente;

That a Magistrate, making use of false Colours and Pretences to deceive the People, is a manifest Breach of his Duty, and a betraying the Trust and Confidence reposed in him by his Majesty ; and that the Erasing, or permitting any Erasure, in the said Bond, is a great Crime and Misdemeanor in the Person intrusted with the said Bond, and that this Committee will report it as such to the House, and recommend it to the House to take such Ways and Means as is in their Power to bring such Offenders to publick Justice, and to prevent the like pernicious Practices for the future.

Resolved, nemine Contradicente,

That Persons being admitted to exercise the Office of Sheriff, or any other publick Trust, without taking the Oaths to the Government, is of dangerous Consequence to his Majesty's Crown and Dignity, and may not only tend to under-

mine our happy Establishment, but may also prove, by Reason therof, a very great Grievance to the Publick.

Resolved, nemine Contradicente,

That the ill Consequences of Persons being admitted to exercise the Office of Sheriff, without giving sufficient Security, and taking the Oath of Office, according to Law, is not only too obvious to need enlarging upon, but also illegal, and may be a very great Grievance to the Publick.

Resolved, nemine Contradicente,

That any one of his Majesty's Officers (especially if of his Majesty's Privy Council also) admitting a Person to the Office of Sheriff, or any other publick Trust, without first obliging such Person to take the Oaths to the Government to secure him in his Fidelity, is, in its Nature, not only a high Crime, but also a manifest Violation of the Trust reposed in him by his Majesty, and justly renders such Officer very unworthy of furthur Confidence.

Resolved, nemine Contradicente,

That dissolute Persons of little or no Estate, being recommended to Offices of great Trust, by Persons of high Station, whose Recommendation may be regarded, may not only have a Tendency to bring Government into Contempt, and to discredit the Recommender, but may also prove a very great Grievance to the Publick.

Resolved, nemine Contradicente,

That 'tis the Opinion of this Committee, that the Premises be represented as Grievances to his Excellency, and that it will be proper to pray his Redress.

Resolved, nemine Contradicente,

That the foregoing Matters, and Resolutions thereon, be reported to the House for further Consideration.

The House having taken the said Report into Consideration, agreed to the same, *nemine Contradicente.*

Resolved, nemine Contradicente,

That the Proceedings of *Thomas Leonard, Esq;* being one of his Majesty's Council, and first Judge of the County of *Somerset*, in his Recommendation to the Governor to appoint *John Riddell Sheriff* of the said County, and the said Judge's Conduct in that Affair, is a Breach of the Trust reposed in him by his Majesty, both as a Counsellor, and a Judge of the said County, and a very great Grievance to the said *Joseph Bonney* in particular, and to all others who suffer by the said pretended Sheriff's illegal Proceedings, and also to the said County of *Somerset* in general, and, if such Proceedings are not timely prevented, may be of very dangerous Consequence to the Colony.

Resolved,

Resolved, nemine Contradicente,

That this House will make an humble Representation to his Excellency, Praying him to take the Premises into his Consideration, and grant such speedy Redress therein as the Nature of the Thing requires, and as will effectually deter others from committing the like for the future.

Ordered,

That Mr. Lawrence, Mr. Fisher, Mr. Leaming and Mr. Spicer, be a Committee to prepare the Draught of the said Representation to his Excellency.

Mr. Leonard brought back from the Council the Bill to enable the Legislature to settle the Quotas, &c. with the following Message.

' THIS House having considered the Message of the Assembly of Yesterday, with the Bill entitled, *An Act to enable the Legislature to settle the Quotas, &c.* and the Amendment of this House thereto : And having compared it with the Message of the House of Assembly, concerning a like Bill and Amendment, on the 6th of October last, found both in the same Words ; came thereon unanimously to the following Resolutions.

Resolved, unanimously,

' That this Houte doth adhere to the said Amendment.

Resolved unanimously,

' That this House hath a Right to amend the said Bill, which Right stands confessed and admitted by the Assembly, by their Agreement to one of three Amendments made by this House to the first Bill of this Kind, as appears by the Minutes of Assembly of January 20. or 21. 1747.

Resolved unanimously,

' That the further Matter of the second Resolve of the Assembly, is a most injurious and groundleis Insinuation against this House, knowingly repeated, after the same had been refuted by the Message of this House, appearing in the Minutes of the Assembly of October the 8th last.

' Which Message was in the following Words.

Ordered,

' That Mr. Kemble do carry to the House of Assembly the Bill, entitled, *An Act to enable the Legislature to settle the Quotas, &c.* with the Amendment made thereto by this House, and acquaint the Assembly, That this House have taken into Consideration the said Amendment, and the Message of that House of the sixth Inst. concerning it, which Amendment is in these Words.

" Whereas by the Royal Instructions to his Excellency the Governor, he is directed in these Words, Provided always, that you do not Consent to
" any,

" any Act or Acts to lay any Tax upon unprofitable Lands. It is here-
 " by declared that nothing in this Act is meant or intended to break in
 " upon the said Instruction, or to warrant the Assessors to put any unprofita-
 " ble Lands into the said List or Account of Things to be taxed."

' That we are sorry to find such Censures of our said Amendment in the
 ' said Message, as we cannot apprehend how it can be liable to. By the
 ' said Message People would imagine, that we had therein prescribed Ways
 ' and Means how Money shall be raised on the good People of this Province :
 ' We, for our Parts, cannot see any such Thing in our said Amendment. We
 ' think this House hath as much at Stake in this Colony as the House of Assem-
 ' bly, and as much concerned in its well being, and for the Rights and Pri-
 ' vileges of the People in it ; for which Reason we should be as much as
 ' the Assembly averse to any Infringement on their Rights and Privileges ;
 ' but, besides that, we are under Oaths for the Performance of our Duty as
 ' Counsellors, which is an Obligation upon us which the Members of the Af-
 ' sembly are not under as Assembly-men.

' Were we not under those Oaths, yet we should think we deviated far
 ' from that Duty we owe to his Majesty, should we agree to the breaking
 ' thro' the Instruction set forth in our Amendment, as we conceive the Bill
 ' does in its present Form, and in the Form it has been for six Times sent up
 ' to us, within three Years last past ; but as we are also under Oaths for the
 ' Performance of our Duty, we think we should have been guilty of the
 ' Breach of those Oaths, had we pass'd it in the Manner it stood without that
 ' Amendment, which has been thrice before made to like Bills in the same
 ' Words within two Years last.

' That we were in Hopes that what passed between the two Houses con-
 ' cerning that Bill, appearing in the Minutes of the Council and Assembly of
 ' October, 1749. would have put an End to further groundless Charges and
 ' Insinuations against us concerning it ; but the said Message, and the Address
 ' of the Assembly to his Excellency of the 3d Inst. convince us we were mis-
 ' taken in thinking so. With what View the Houle of Assembly do from
 ' Time to Time publish such groundless Charges and Insinuations against us,
 ' as appears in the said Minutes of October, 1749. and in the said Address and
 ' Message, we are at a Loss to know. We are unwilling even so much as to
 ' imagine, that it can be to exasperate the People against us.

' That we think we ought not to omit observing on those Words of the
 ' said Address, viz. " Have made divers Attempts to supply the Treasury, in
 ' the like Method that hath been done long heretofore, without any bad
 ' Consequences that we know of." From whence any Persons, unacquaint-
 ' ed with the Truth of Facts, we think, would imagine, that Bills of like Te-
 ' nor, as this Bill in Question, had been long, frequent and customary in this
 ' Province, and that we oppos'd an approved Form : But the Fact is so far o-
 ' therwise, that we never heard of such a Bill in this Province, till within these
 ' three

three Years past : A Bill for settling Quotas, and no Money given by it to his Majesty, for Support of his Government.

All Bills that ever we heard of in this Province, which directed Quotas, gave also the Money to his Majesty for Support of his Government, that was to be raised by those Quotas, and those Quotas were in a very different Manner from what is propos'd by this Bill.

What the Assembly's Intention is by such an Innovation as this Bill; and by laying aside the accustomed Method; we know not ; but it seems to us by it, that they by this Bill intend that Lands shall hereafter be taxed by the Acre, and not according to the Value (as the Number of Acres,) and not the Value, is required to be taken by this Bill.) So that the poor People, who live on poor Land, shall pay as much Tax by the Acre for their poor Land, as the rich People shall pay for Lands of twenty and forty Times the value per Acre: And should a Tract contain nineteen Acres of unprofitable Land for one Acre of Profitable, the whole twenty Acres shall pay as much Tax, as if it were all Profitable.

That those things are "*in as equitable a manner as Circumstances will admit of and a just Taxation*" as the Assembly in their said Address do say of this Bill, we have not been able to apprehend ever since such a Bill as this was first offered in 1747, and to which first Bill of this kind we then made three Amendments, and to one of which the Assembly then agreed; but to the other two Amendments they disagreed, and this House adhered to them ; how this House has become deprived of the Right to amend that Bill, as the said Message Resolves we are, does in no way appear to us.

That we think its far from *doing by our Neighbour as we would have done to ourselves*, to oblige one to pay ten, twenty or forty times as much Tax, according to the value of his Estate, as another, because their quantity of Acres happened to be equal; which we think would be the obvious consequence should we pass this Bill, as it stood without our Amendment;

And Lastly, do acquaint the Assembly, that this House doth unanimously adhere to their Amendment aforesaid to the said Bill.

Ordered,

That Mr. Leonard do carry to the House of Assembly the said Bill and Amendment, with the above Resolves of this House concerning the same.'

The House adjourn'd till *Monday* Morning nine o'Clock.

Monday, February 11. 1750.

The House met.

Mr. Lawrence, from the Committee appointed to draw a Draught of a Representation to his Excellency, &c. reported, That they had prepared the same ; which being received and read, and some Amendments made thereto in the House, was agreed to, *Nemine Contradicente*, and is as follows.

Ordered,

That Mr *Van Middelworth* and Mr. *Fisher*, do wait on his Excellency, and acquaint him, That *Thomas Leonard*; Esq; as Judge, or chief Magistrate of the County of *Somerset*, undertook to take Security of, and qualify the said *John Riadell*, as Sheriff of the said County.

That it plainly appears the Securities so taken, were neither of them Freeholders of the said County, as the Law requires they should have been ; and that this was well known to the said Judge *Leonard*.

That by inspecting the Roll of said County, and from other good Evidence, it plainly appears, the said pretended Sheriff, neither signed the said Roll, nor took the Oaths to the Government, as by Law he ought to have done.

That it plainly appears, the said pretended Sheriff did not take the Oath, for Performance of his Duty, as by Law prescribed.

That there is much Reason to believe, the said pretended Sheriff, was not a Freeholder of the said County, in the Manner the Law required, in order to have qualified him for his Office.

That it plainly appears, the said pretended Sheriff, both before and since his being appointed to that Office, was a Person of an infamous Character, and vicious Behaviour, and had little or no Estate ; to all which, the said Judge *Leonard*, could not be a Stranger. And that his being appointed to the said Office, was therefore a Matter of Surprise, Concern, and Dissatisfaction, to the Generallity of the principal Inhabitants of the said County. And, that he was generally suppos'd to have been recommended to his Excellency by the said Judge *Leonard*.

That from the best Lights hitherto received, it appears, the said Judge *Leonard* suffered the said pretended Sheriff to act, under Colour of his Commission, before he had taken one Step towards a Qualification ; and, that he continued so to act, until the Clerk of the said County, refused to seal and deliver him any more Writs, upon Account of his not being qualified. And that afterwards, notwithstanding the Disqualifications before mentioned, the said Judge *Leonard*, suffered him, the said pretended Sheriff, to exercise the said Office ; by Colour of which, among other illegal Proceedings, he sold the Mills and other Estate, of one *Joseph Bonney*, and, by credible Information, hath run away with upwards of Two Hundred Pounds of the Money arising from the

the Sale thereof ; for want of which, the said *Bonney*, is now confined in the Goal of the County aforesaid, and his Wife and Family in deep Distress ; and, had the said pretended Sheriff, not run away, or otherwise had he been of Ability, or if his Securities were sufficient, according to Law, to make good the Damages, the said *Bonney's* Creditors, 'tis conceived, might have received their just Debts, and himself been at liberty to make an ample Provision for the Support of his distressed Wife and Family ; but, as it is, the said *Bonney* is confined, his Creditors defrauded, and his Wife and Family in great Distress.

That it appears to this House, by such Information, as they have just Reason to believe, that the laid pretended Sheriff, assisted by the said Judge *Leonard*, under false Colours and Pretences, inveigled and drew in one *John Horner* (who at that Time lay sick at the laid *Riddell's* House) to become Security for him the said pretended Sheriff ; as an Inducement to which; the said pretended Sheriff told the said *Horner*, that one *John Denison*, a Freeholder in the County of *Middlesex*, and a Man in good Circumstances, was also to be one of his Securities ; and, to compleat the Deceit, the Name of the said *Denison* was inserted in the original Bond, when brought to be executed by the said *Horner* ; that he, the laid *Horner*, being scrupulous of entering into the laid Bond, because *Denison* did not appear there, nor had executed the said Bond, Judge *Leonard* promised, that he would take Care that the said *Denison* should do it ; upon which Promise, *Horner*, and one *Montier*, became the said pretended Sheriff's Securities, and, together with the said pretended Sheriff, executed the said Bond. That the said Bond, being sealed, delivered, and acknowledged, before the said Judge, then became, by the Law, a Matter of Record, and was to be delivered by the said Judge to the Clerk of the said County of *Somerset*, to be entered upon the Records of the said County, and, afterwards, the said original Bond, was to be transmitted by the said Clerk to the Clerk of the Supreme-Court, there to remain among the publick Records of this Colony.

And this House are further inform'd, that the said original Bond is in the Secretary's Office, at *Perth Amboy* ; but that the Name *John Denison*, is now eras'd in the said Bond.

That his Excellency being newly come to his Government, and unacquainted with the said *John Riddell's* true Character and Behaviour at the Time of his being appointed Sheriff, there is good Reason to believe his Excellency was prevail'd on to appoint him to that Office, by the Recommendation of the said Judge *Leonard*, and the Advice of Council.

That the House being willing to act in this Affair with the utmost Candour and Impartiality, ordered two of their Members to inform the said Judge *Leonard*, in a private Way, that the House desired he would give such Information as was in his Power, relating to the Qualifications of the said late pretended Sheriff ; but the said Judge, having refus'd to give any such Information, his Omission, but too loudly implies his Misbehaviour therein.

That

That, to say no more, the foregoing Representation of Facts, doth, at least, discover the said Judge *Leonard's* Neglect and Breach of Duty to the King, and his liege People, as, also, his Disregard to, and Violation of the Law of this Colony. Wherefore the House cannot think it for his Majesty's Service, or the publick Good, for the said Judge *Leonard* to retain his respective Offices any longer, which is humbly submitted to his Excellency's mature Consideration.

That the aforesaid illegal Proceedings of the said Judge *Leonard* have been productive of several insupportable Grievances, for which the House humbly prays his Excellency's speedy Redrefs ; not only for the Relief of the Injured, but also for the Discouragement of such illegal Proceedings for the future ; for what will it avail for the Legislature to enact Laws for the publick Good, unless those Laws are duly executed ? For if they may be dispensed with, at the Will and Pleasure of those with whom they are intrusted, surely this will inevitably subvert the Constitution, and introduce the unwieldy Strokes of Oppression and despotic Power, so carefully to be guarded against by all Persons in general, but more particularly by those, who either foresee its gradual Progress, or fear its dreadful Effects, and who are immediately intrusted to prevent its Growth and Increase.

That the House humbly beg Leave to observe to his Excellency, That the Enquiry into this Affair, cannot be esteemed by Men of Reason an over-grasping Attempt at unlimitted Power. By it the House have not the least Intention of extending their Authority beyond its due Bounds, or to take upon themselves the executive Part of the Laws ; but, as they are appointed, by the People they represent, the Guardians and Trustees of their Liberties and Properties, to watch and nourish those tender Vines, least, by receiving a Wound, they should bleed to Death (and our happy Constitution confirms this Appointment.) So, when these Guardians discover any such Wound, it is their Duty immediately to seek a Remedy where it may be found, for fear it should gangre, and become mortal. This Allegory requires no Explanation to a Person of your Excellency's Wisdom and Understanding, only the House think the Application very proper in the present Case ; for, it must be allowed, that the High Sheriff of a County is an Officer of great Power and Authority in that County, and is intrusted with some of the most valuable Branches of the Privileges of the People ; such as the Execution of all Procesles, criminal and civil ; the summoning of Juries, to try Mens Properties ; the Charge of the publick Goals, and the Care of all Prisoners committed thereto, whether Traitors, Felons, or other Offenders ; and, what is yet more, the Laws have delegated to this Officer the Authority of raising and commanding the *Posse Comitatus*, or the Power of the County upon certain Immergencies and Occasions. Therefore, whether to repose this important Trust, in a Person loose in his Behaviour, corrupt in his Principles, immoral in his Life and Conversation, vicious in his Inclinations, and, lately, not much better than a Vagrant in his Station of Life ; and, further, whether a Magistrate intrusted with the Power of qualifying a Person for this high Station, and of taking Care that his Securities should be good and sufficient, (as the Law required) neglecting his Duty in almost every Particular, and not

not so much as securing and strengthening the said Person in his Duty and Fealty to his Majesty, by tendering and administering to him the Oaths of the Government, as the Law in this Case particularly requires he should do, be not a dangerous Blow and Wound to the Constitution, the House humbly submits to his Excellency's further Consideration.

The House resolved itself into a Committee of the whole House, to further consider the Grievances of the Colony. After some Time spent therein, Mr. Speaker resumed the Chair, and Mr. Cooke, Chairman, reported, that they had gone through the Matters to them referr'd, and come to sundry Resolutions, which he is ready to report, when the House will be pleased to receive the same.

Ordered,

That said Report be made immediately.

Whereupon Mr. Cooke, Chairman of said Committee, reported as follows.

The Committee taking into Consideration the Petitions, complainig of the great Number of unnecessary Taverns, came to the following Resolutions thereon.

Resolved, nemine Contradicente,

That it is the Opinion of this Committee, the Complaints in the said Petition, is not owing to any Deficiencies in the Law; but, on the Contrary, to the Fault of those who are entrusted to put the same in Execution, by Licensing too great a Number of Tavern-keepers.

Resolved, nemine Contradicente,

That the Licensing too great a Number of Tavern-keepers is a great Grievance to the Publick.

To which two Resolves the House agreed, *Nemine Contradicente.*

The Committee having been inform'd, that *William Deare*, Son of *John Deare*, Esq; late Sheriff of the County of *Middlesex*, is appointed Sheriff of the said County, and, that the said *William Deare* hath not been a Resident in the said County for three whole Years immediately preceeding his being so appointed.

Therefore, if this Information be true, the Committee are of Opinion, the said *William Deare* hath been appointed to that Office contrary to the Directions of an Act of General Assembly, entitled, *An Act to oblige the several Sheriffs of this Colony of New-Jersey to give Security, take the Oaths or Affirmations therein directed for the Discharge of their Offices, and to prevent their too long Continuance therein.* And as such Appointment, if made, is not agreeable to the Directions of the said Act, this Committee is of Opinion, it is

a Grievance, and will report it to the House, to make Application to his Excellency to redress the same.

To which the House agreed, *Nemine Contradicente.*

The House adjourn'd till to-morrow Morning nine o'Clock.

Tuesday, February 12. 1750.

The House met.

Mr. Lawrence, one of the Committee appointed to correspond w'th the Agent, laid before the House several Letters received by *Richard Smith, Esq;* from the said Agent; which were read, and ordered to lie on the Table, for the Perusal of the Members of the House.

Mr. Van Middelworth reported, That Mr. Fisher and himself had waited upon his Excellency with the Representation of the House, relating to the late pretended Sheriff of *Somerset*, and had delivered the same to his Excellency.

Ordered,

That Mr. James Smith, and Mr. Wetherill, do wait on his Excellency, and acquaint him, That this House have been credibly inform'd, that *William Deare*, Son of *John Deare, Esq;* late Sheriff of the County of *Middlesex*, hath received three Commissions for the Office of Sheriff; one for the said County, another for the City of *Perth Amboy*, and another for the Corporation of *New Brunswick*; and that the said *William Deare* hath not been a Resident in the said County for three whole Years immediately preceeding his being appointed to the said Office, which the House are of Opinion is contrary to the Directions of the late Sheriff A&t, and a Grievance to the Publick, which the House pray his Excellency will speedily redress.

The House adjourn'd to 2 P. M.

The House met.

Mr. J. Smith reported, That Mr. Wetherill and himself waited upon his Excellency, with the Message, relating to *William Deare's* being appointed Sheriff of *Middlesex*.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday, February 13. 1750.

The House met.

Mr. Cooke, from the Committee appointed to prepare a Draught of an Ad-dres

dress in Answer to his Excellency's Speech, reported, they had prepared the same, and, with Leave, he delivered it in at the Table ; which, being read, was agreed to by the House.

Ordersd,

That the said Address be engroſ'd.

The House adjourn'd to 2 P. M

The House met.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, February 14. 1750.

The House met.

The engroſ'd Address was read, and compared, and was agreed to by the House, and ordered to be sign'd by the Speaker.

Ordered,

That Mr. *Crane* and Mr. *Holmes* do wait on his Excellency, to know when he will be pleased to receive their Address.

Mr. *Crane* reported, that Mr. *Holmes* and himself had waited on his Excellency with the Message of the House, and that his Excellency was pleased to say, he would let the House know by Mr. *Secretary*.

Ordered, nemine Contradicente,

That Mr. *Lawrence* and Mr. *Hancock*, do wait on the Council with the following Message, viz.

The House taking into Consideration the Message of the Council of the 9th Instant, sent to this House by Mr. *Leonard*, with the Bill for enabling the Legislature to settle the Quotas, &c. do find the Council adhered to their Amendment, or rather Alteration made to the said Bill ; and, by the said Message, Resolve, they have a Right to make that Amendment, which, say they, stands confessed and admitted by the Assembly, by their Agreement to one of three Amendments made by the Council to the first Bill of this Kind, as appears by the Minutes of the Assembly of January 20. or 21. 1747. Had the Gentlemen of the Council fully considered the Minutes above referr'd to, they would have found the said Amendment, admitted by the Assembly, related to the Title only, and not to the Body of the said Bill, which they would never admit the Council had any Right to amend, or even to demand any Conference thereon, which was actually denied by this House, on the 10th of February, 1747. And, as often as any Amendment hath been attempted by the Council, to the Body of that Bill, it hath been rejected by this House, as an Infringement upon our Privileges, and those who we represent, as doth appear by sundry Messages

Messages from this House to the Council upon that Head, and, particularly, by a Message, which the Council say they refuted, by their Message of the 8th of October last. How the Gentlemen came to conclude, they had refuted the former Message by the Latter, or, in other Words, to triumph in the imaginary Conquest, before they gained the Victory, we cannot tell. If that Message was not answered, it was not because this House thought it unanswerable; but because they had not Time to answer it, and were unwilling to multiply fruitless Debates at the publick Expence: But, since the said Message is again repeated in the first above-mentioned Message of the 9th Instant, it may be proper to make some few Observations thereon, without taking up too much Time of the Houte.

And, first, the Council seem to infer their Attachment to the Privileges of this House, and the Good of the Colony, from the Importance of the Stake they have therein, which they intimate is equal to what this House hath: But, how rich soever the Gentlemen would willingly be thought, we cannot think them equal in Substance to all the rest of the Inhabitants of this Colony, who we represent, by immediate Election and Choice: However, had the Gentlemen leis Estate, especially in Lands, 'tis probable they might have assented to some one of the seven Bills sent them for Concurrence by this House, to enable the Legislature to settle the Quotas, &c. But their having so many large Tracts of Land liable to be taken an Account of, for a future Taxation, by the said Bills, as prepar'd by this House, we doubt, has rather prevail'd with them, so repeatedly to defeat those Bills, than any great Regard to his Majesty's Instruction; which is no Way broke in upon, by the said Bills, as pass'd by this House.

That the Gentlemen of the Council further tell us, by the Message aforesaid, That they *are under Oaths for the Performance of their Duty as Counsellors*, which say they, is an Obligation *upon them*, which the Members of the Assembly *are not under as Assembly-men*. What those Oaths are, the Gentlemen mean, we know not, unless they are the Oaths to the Government, to secure them in their Fidelity to His Majesty, and the Protestant Succession as by Law established. If such only, then are we under the like, and hope to perform them as well: If any Thing more, we should be glad to know it. But however, from His Majesty's known Candour and Goodness, we cannot suppose he has obliged His Council, by Oaths, to invade the Rights and Privileges of His Liege People, in not suffering them to be taxed according to their own Consent: This would be a manifest Violation of the Subjects Liberty in the Disposal of their own Property, inconsistent with the natural Freedom of Mankind, destructive of the very Notion of Property, and repugnant to our happy Constitution.

That the Council tell us by the Message aforesaid, 'they never heard of any such Bill as the Bill in Question, till within this three Years past; a Bill for settling Quotas and no Money given by it for the Support of His Majesty's Government.' Admitting the former Quota Bills were connected with the Bills for Support of Government, yet there hath been long, frequent and

customary in this Colony, a Provision by Law for settling Quotas, wherein the Persons and Things to be taxed, were to be taken an Account of in the Manner as directed by the Bill in Question; among which the whole of all profitable Tracts of Lands, held by Deed, Patent or Survey, whereon any Improvement was made, were to be taken an Account of by the old Method of Taxation, in the same Manner as by the Bill in Question, which is the only Point in Contest between the Council and this House; and this Method being long practiced with the Approbation of the Publick, doth sufficiently manifest the Council's Opposition to an approved form with respect to the Matter in Contest.

What the Assembly's Intention is, say the Council, by such an Innovation as this Bill is, they know not; but conclude, *it seems as if the Assembly intended, Lands sh.uld be hereafter taxed by the Acre, and not according to the Value;* from which inequality, they infer the Injustice that would be done to poor People who live on poor Land. To which we reply, as to the Assembly's Intention with respect to the pretended Innovation of this Bill, that, may be readily gathered from the Necessity, Title, and Form of the said Bill, and also from the Assembly's willingness to support Government, which in particular prevailing beyond any other Motive, put them upon an early enquiry into the State of the Treasury, which they found would soon be insufficient for that Purpose, through a Decrease of the publick Funds, therefore it became necessary to supply the Deficiency by a Provincial Tax; and to the End each County within the Colony should pay its just Proportion in such Tax, it was absolutely necessary that all Things should be taken an Account of which compose the Value of such County, as near as the same could be collected, which when done, and a Return thereof made to the Legislature, they could be thereby enabled to ascertain the Quotas of each respective County within the Colony; and suppose there should be an Inequality in the Value of the Land of such Counties, such Inequality might be much better adjusted by the impartial and unbyas'd Settlement of the whole Legislature, than by any other Method that can be propos'd:

What the Councils Intention is in obstructing the People (for such a series of Time) from being taxed according to their own Consent, we know not; unless it be with a Design to keep the Government unsupported, the publick Debts undischarged, and to exempt their own large Tracts of Lands from bearing their just Proportion of the publick Tax, under a specious Pretence of adhering to His Majesty's Instruction, and favouring the Poor; when in Truth the said Bills, they have so repeatedly defeated as past by this House, are no Ways repugnant to the said Instruction, nor injurious to the poor Freeholders; but on the Contrary, agreeable to the former and a Relief to the latter.

Ord rcd,

That an exact Copy of the said Bill for enabling the Legislature to settle the Quotas, &c. as pass'd by this House this sitting, be compared and sign'd

H

by

by the Speaker, and then printed with the Minutes; and that the Clerk be excused from entering the same in the Journal of the House.

Mr. Brick had leave to be absent on extraordinary Occasions, till *Tuesday* next.

The House adjourn'd to 2. P. M.

The House met.

Mr. Lawrence reported, that Mr. Hancock and himself, had delivered the Message they had in their Charge to the Council.

The House adjourn'd till to-morrow Morning 9 o'Clock.

Friday, February 15. 1750.

The House met.

A Message from His Excellency by Mr. Secretary Read.

" Mr. Speaker,
" His Excellency is in the Council Chamber ready to receive the Address
" of the House."

Whereupon Mr. Speaker left the Chair, and with the House went to wait upon his Excellency. Being returned, Mr. Speaker resumed the Chair, and reported, that the House had presented their Address to his Excellency in the following Words,

To His Excellency JONATHAN BELCHER, Esq; Captain General and Governor in Chief, in and over his Majesty's Province of New-Jersey, and Territories thereon depending in America, Chancellor and Vice-Admiral in the same.

The humble ADDRESS of the REPRESENTATIVES of the Colony of New-Jersey, in General Assembly convened.

May it please Your Excellency,

" **W**E His Majesty's dutiful and loyal Subjects, the Representatives of the Colony of New-Jersey, beg Leave to observe to your Excellency, that we are sorry the Council's having differed from us in Opinion, touching the Way and Manner of levying a Tax for Support of Government, should prove not only productive of Injustice and Oppression to those who have Demands on the Colony, but also likely to bring a Train of bad Consequences upon the People thereof; both which, in Duty to his Majesty, and from a tender Regard to the People, we have carefully endeavoured

' voured to avoid : But, least the Government being so long unsupported,
 ' should occasion our Superiors to suspect our Conduct, for want of a true
 ' Light therein, we shall in brief remark, that, for supplying the Deficiency
 ' of the Treasury, a Provincial Tax became necessary, which could not be
 ' regularly levied upon the Inhabitants of the Colony, until the Quotas of each
 ' respective County, were duly ascertained ; for which Purpose, six several
 ' Bills have been pass'd by us, and the late House of General Assembly; and
 ' sent to the Council for their Concurrence ; all which, they took upon them
 ' the Liberty to amend : Which being an Infringement upon the Privileges
 ' of this House, and the Liberties of the People, by depriving them of the
 ' natural Rights of his Majesty's Subjects, in being taxed in such Manner as
 ' they best like. And as those Bills were, in Substance, agreeable (especially
 ' in the Part contested) to former Bills of the like Nature, past by the whole
 ' Legislature, and approved of by our Constituents ; and, also, were, in them-
 ' selves, as equitable as the Nature of the Case would admit ; for these Rea-
 ' sons, as well as more that might be urged, the Council's repeated Amend-
 ' ment thereto, hath been as repeatedly rejected ; and their adhering so tena-
 ' ciously to that Amendment, hath been the total Defeat of those Bills. And,
 ' to the End we might do every Thing in our Power, that was reasonable,
 ' for Support of the Government, we past a Bill for that Purpose at *Amboy*,
 ' in a Session commenced the 25th Day of *September*, 1749. wherein the
 ' usual Provision was made : And, although there was not Money at that
 ' Time in the Treasury, sufficient for discharging that Bill, yet, had the Council
 ' past some one of the other Bills, there might have been enough for that Pur-
 ' pose before this Time : But, suppose there even had not, yet the Sum given
 ' by that Bill, and past by the whole Legislature, would have become a
 ' Debt upon the Colony, to be discharged whenever the Treasury should be
 ' supply'd. But the Council, instead of joining us in our Endeavours to support the
 ' Government, took upon them the Liberty to amend that Bill also, in Sub-
 ' stance ; which being an Infringement upon our Rights and Privileges, and
 ' calculated to deprive this House of the Appointment of an Agent at the
 ' Court of Great-Britain, and to lodge too much Power in the Gentlemen of
 ' the Council, in the Disposal of the publick Money, and Things of the like
 ' extraordinary and unprecedented Nature ; The House therefore sent the said
 ' Bill to them again, and they refusing their Assent to it, in the Manner ap-
 ' proved of by this House, occasioned the total Defeat of that Bill also,
 ' which, with the Defeat of the first mentioned Bills, hath occasioned the
 ' Government to remain unsupported until this Time : From whence, we
 ' think, no Blame can be justly ascribed to us. And, that we might not be
 ' wanting in our Endeavours, upon this Head, we have, at this Time also,
 ' sent to the Council for Concurrence, the seventh Bill, of the like Kind
 ' with the Bills first mentioned, which I hath met with the like Fate of the
 ' said Bills ; and, therefore, we are depriv'd of any proper Means of supply-
 ' ing the Treasury for Support of Government ; nor do we foresee any Pro-
 ' bability of its being supplied, or the Government supported, until the Gen-
 ' tlemen of the Council will receed from their Amendment to the said
 ' Bill.

' Therefore,

‘ Therefore, we hope your Excellency will not call us any further upon this Head, unless you shall discover a Disposition in them Gentlemen to drop the said Amendment, and pass the Bill in the Manner which we and our Constituents think reasonable; for frequent Sittings, to no Purpose, is very injurious to the Publick in general, and to us in particular.

‘ The Royal Instruction, and Letter from the Lords Commissioners for Trade and Plantations, referr’d to in your Excellency’s Speech, about transmitting to his Majesty, and their Lordships, an Account of the Boundaries of this Colony, together with a Map thereof, we have perus’d and duly consider’d, and do believe the same principally calculated to enable his Majesty to assert the just Rights of his Subjects in the Colony against the Incroachments of foreign Powers; but, as this Colony doth not join upon the Territories of any such Power, we conceive such Map less necessary for the Purpose aforesaid: And, as to the Boundaries, your Excellency may be pleased to inform their Lordships, that this Colony is bounded, Eastwardly, by the Main Ocean and *Hudson’s River*; Southwardly and Westwardly, by the Bay and River of *Delaware*, and, Northwardly, by the Colony of *New-York*; from whence, and by having a Recourse to the Grants of *Pennsylvania* and *New-York*, their Lordships may know, that this Colony is not a Frontier upon any foreign Settlement.

‘ As to what your Excellency recommended, respecting the intended Interview of Governor *Clinton* with the *Six Nations of Indians*, at the City of *Albany*, sometime in the Month of *June* next, we have considered; but, as this Colony hath not hitherto been concern’d in *Indian Treaties*, beyond its Limits, nor been benefitted by their Trade, we cannot think it now reasonable to become a Party at the said intended Interview; but think it highly reasonable, for those Colonies, that have been, and still may be, benefitted by their Trade, to secure them in their Fidelity to the *English* at their own Expence: But, notwithstanding this Colony hath not been a Party at such *Indian Treaties*, yet, upon every Emergency, it hath hitherto chearfully contributed to the Defence of our neighbouring Colonies, against the Incurseions of an Enemy, and, no Doubt, will hereafter, if need require; but, in the present Case, we shall only return your Excellency our Thanks for your Readiness to undertake the Fatigue of a Journey to *Albany* upon this Occasion.

‘ We thank your Excellency for your good Assurances, “ of concurring with us, in every Thing in your Power, for advancing his Majesty’s Service and Honour, and the good Order, Peace and Prosperity, of the Colony;” but we are sorry to hear, ‘tis not in your Power, to remove such Officers, as have transgressed their Duty, without Advice of Council, whose Advice, ‘tis to be feared, will not be readily obtained, for the Removal of such Officers, whose Appointment they have already advised; and, unless your Excellency can get over this Difficulty, we are apprehensive the publick Grievances will very much remain unredress’d, if not increas’d upon us.----We shall always, with Pleasure, esteem your Excellency’s good Wishes, for Unity

ty and Concord in the publick Deliberations ; and a joint Endeavour, for this valuable Blessing, among all the Branches of the Legislature, will be the best Expedient for giving a good Dispatch to the Affairs of the Colony.

Feb. 15. 1750.

By Order of the House,

Several of the Members being of the People called *Quakers*, concur to the Matter and Substance of this Address, but make their usual Exceptions to the Stile.

SAMUEL NEVILL, *Speaker.*

Mr. Speaker also reported, that at the same Time his Excellency was pleased to give his Assent to the Bill, entitled, *An Act to revive an Act, entitled, An Act for better settling and regulating the Militia of this Colony, for the Repelling Invasions, and Suppressing Insurrections and Rebellions.*

The House adjourn'd till 2 P. M.

The House met.

The House adjourn'd till to-morrow Morning nine o'Clock.

Saturday, February 16. 1750.

The House met.

Ordered,

That the Treasurer of the Western Division do purchase two Setts of the Laws of the Province of *Pennsylvania* for the Use of the House.

Ordered,

That Mr. *Lawrence* and Mr. *Fisher* do wait upon his Excellency, and acquaint him, the House having nothing before them that they have any Encouragement to proceed upon, and desire, if his Excellency has no further Business to recommend, he will be pleased to dismiss them.

Mr. *Lawrence* reported, that Mr. *Fisher* and himself waited upon his Excellency with the Message of the House, who was pleased to say, he would send an Answer by the Secretary.

The House adjourned till Monday morning nine of the Clock.

Monday, February 18. 1750.

The House met.

The House adjourn'd till To-morrow Morning nine o'Clock.

I

Tuesday,

Tuesday, February 19. 1750.

The House met.

The House adjourn'd to 2 P. M.

The House met.

A Message from the Council, by Mr. Kemble, in the Words following.

Ordered, unanimously,

' That Mr. Kemble, do acquaint the House of Assembly, that this House having taken into Consideration the Message of the Assembly of the 14th Inst. do admit, that the Amendment of this House to the first Quota Bill, agreed to by the Assembly, related to the Title only; but, that those whom they allow to have a Right to amend the Title, have not an equal Right to amend the Body of a Bill, is a Distinction we have never met with, and believe it to be without any Foundation either in Reason or Precedent.

' We do admit also, that the Assembly have all along rejected our Amendments to the Body of the said Bill, and have refus'd to confer with us on our Amendments, tho' Conferences thereon, were several Times requested by us; and, that rather than agree to the Conferences requested thereon, or to request of us a Conference, they, the Assembly, have dropp'd in their House every one of the seven Quota Bills; and no one of them ever dropp'd with us: What Reasons or Precedents they had to justify themselves, in those (to us) unaccountable Proceedings, they have never, to this Day, acquainted us with, other than their own Will and Pleasure.

' Reason, we think, dictates, that where the Consent of two Bodies, independant on one another, is wanting, to the Form of a necessary Act, and they differ in Opinion, as to that Form, that they ought, by Conferences, to communicate to one another the Reasons why they insist on the Forms mutually proposed by them; without which, it seems impossible, in the Nature of Things, that they can agree; and, whoever refuses that Method, let them pretend what they will, must either think such Act not necessary, or do resolve that the other Body shall give up its Independency and Right of Judgment to them.

' Would the Assembly have agreed to any of the Conferences requested, this House might possibly, by an Induction of Particulars, have convinc'd them, that how strongly soever they were of Opinion, that the Words of this Bill did no Way break in upon his Majesty's Instruction, yet that in such Opinion they were mistaken.

' The Bill, as insisted on by the Assembly, directs, that *the whole of all profitable Tracts of Land, held by Deed, Patent, or Survey, whereon any Improvement is made, shall be taken an Account of, and put in the List of Things to be taxed.* Now, if there be many Thousands of Acres of unprofitable

· frable Lands in *New-Jersey*, as cannot be denied, and, if every Acre in *New-Jersey*, how unprofitable soever, is, by the above Words of the Bill, to be taken an Account of, and put into the List of Things to be taxed: Then it must undeniably follow, that the Direction, in the above Words, does break in upon his Majesty's Instruction, inserted in our Amendment.

· But the whole Tract of Land called *New-Jersey*, is held by and under the Deed from the Duke of York to Lord Berkeley and Sir George Carteret, and, is, in the whole, a profitable Tract of Land (though Thousands of unprofitable Acres be in it) and every Improvement in *New-Jersey*, is an Improvement made on that Tract. Wherefore, the whole of all that Tract called *New-Jersey*, is as much within the express Words of the Act; as any Tract whatsoever that is Part of it. But we doubt not it will be said, that how much soever the Tract called *New-Jersey*, be within the express Words of the Act, yet it was not within the Intention of the Assembly. Be it so: But when an Act is past into a Law, 'tis not the private Intention; either of the Governor, or of the Council, or of the Assembly, that will govern the Construction of the Law. 'Tis the Courts of Justice that must collect the Intention from the Words of the Act, and not from the private Intention of the Makers. Wherefore, if the Assembly mean not the whole Tract of *New-Jersey*, there seems an absolute Necessity of an Amendment to make that Meaning apparent.

· Again, suppose that Meaning made apparent, and that the Tracts meant, are only such as have been appropriated to particular Persons, by Deed, Patent, or Survey, and, suppose, such a Tract of 20 Acres, whereof one is profitable, and 19 unprofitable; yet this Tract, upon the whole, is a profitable Tract of Land, and, if any Improvement is upon it, the whole of the Tract must be taken an Account of, and the 19 unprofitable Acres must be taxed; which is repugnant to the Instruction set forth in our Amendment. And that many such Cases are, and some in greater, and some in lesser Portions, we think no Doubt can be made. And, we believe, there are few Tracts in *New-Jersey*, but what have some unprofitable Acres in them; and, if they have any, and those are taxed, the Instruction is thereby broke in upon. This Case we put in our Message, which the Assembly, by their said Message, of the 14th Inst. pretend they answer; but they have thought proper to slip over it, without any the least Notice.

· Again, Suppose 1000 Acres appropriated by Deed, Patent or Survey, but without any Improvement upon it, and consequently bringing in no Income or Profit to the Owner, the Tract while in that Case, it seems agreed, is within the Instruction, for its then, by the Bill, not to be taken an Account of in order to be taxed. But suppose the Owner, or a Tenant, or a Trespasser, enter upon it and improves one Acre; then, by the Tenor of the Bill, the whole must be taken an Account of, and the 999 unimprov'd Acres, pay as well as the one Acre improv'd. Reason, we think, says, if the whole 1000 was within the Instruction while no Improvement was upon it, the 999 remains still within the Instruction, after the one Acre of the 1000 is improved. If the Improvement is made by a Trespasser without

out the Consent of the Owner, is it just that such an Act of a misdoer, should render the whole 1000 liable to be taxed, tho' bringing in no Income or Profit to the Owner, more than before the making that Improvement. If the Improvement is made by the Owner or Tenant, is it not a great Discouragement to the making Improvements, to lay such a Penalty as 999 Time more Tax than justly ought to be laid upon them. But these, and Thousands of such Injustices, must obviously follow from the Bill in Question, should it pass as it now stands.

Again, as New-Jersey at first belonged to Lord Berkley and Sir George Carteret, and was by or under them, sold to Persons residing in England, Scotland and Ireland, where great Numbers of the Owners of Parts of New-Jersey still do reside, and many in other the American Colonies, to whom Multitudes of large Tracts of all Quantities between one Thousand and a hundred Thousand Acres, have from time to time been divided by Patents, Deeds or Surveys in part of their Shares. Suppose such Owners of a Tract of 100,000 Acres, have sold 10,000 of it, upon which Improvements have been made ; by this the 90,000 Acres remaining unfold, belonging to those absent Persons, tho' bringing in no income or Profit to them, are, by the Tenor of this Bill, to be put into the List of Things to be taxed : Many Hundreds, if not Thousands of Cases of that Nature we believe are in New-Jersey. And the laying a Tax upon such Things (where there even no Instruction against it) must be a mere Amusement, seeing there is nothing to levy it upon, and consequently a great, if not much the greatest, Part of a Tax to laid, would become a Deficiency.

These few particular Cases, of the many that could be put, we think do evidently show, that the Quota Bill, in its present form, does not only break in upon His Majesty's Instruction, but is big with Injustice, and a great Discouragement to making Improvements, were there no such Instruction, and must be ineffectual for the Purpose pretended.

We admit we said,—*What the Assembly's Intention is by such an Innovation as this Bill, and by laying aside the accustomed Method, we know not* ; but it seems to us by it, that Lands shall hereafter be taxed by the Acre, and not according to the value ; as the Number of Acres and not the Value is required to be taken by this Bill. To which the Assembly say, they reply ; but we find no denial, in that reply, of their Intention to be, to tax Lands by the Acres, and not the Value ; wherefore what we supposed, is admitted to be true : And as Lands in New-Jersey are of all Values, from thirty Pence per Acre, to thirty Pounds per Acre, no pretence whatsoever can make it just to tax such Acres equally ; and such inequallity of Taxation, in respect to the Value, must become oppressive to the poor People settled on poor Lands, as we before alledged. And why a poor Man worth only Fifty Pounds, should pay as much Tax as another worth Five Hundred Pounds, will be difficult for the Assembly to show a Reason.

The Assembly say, the inequality might be much better adjusted by the impartial and unbiass'd Settlement of the whole Legislature, than by any other Method

‘ Method that can be propos’d. On which we observe, that it’s impossible for
 ‘ the Legislature to adjust the Inequality by the Means prescribed by this Bill,
 ‘ viz. Returning a List of the Quantity of Acres in the Tract, and not the
 ‘ Value.

‘ The Value of a Tract, or the improved Part of a Tract, we see no diffi-
 ‘ culty that the Assessors will be under to return it nearly to the Truth, as
 ‘ they will be of the Neighbourhood, and know as much or more of their
 ‘ Neighbours real Estate, than they can do of his Personal, for the last may be
 ‘ hid from them, whereas the other is open to their View and not to be se-
 ‘ creted. The Value they can Judge of nearly, without knowing the
 ‘ Quantity; whereas they cannot Judge truly of the Quantities without
 ‘ actual Surveys; for there are Multitudes of Tracts in New-Jersey, that
 ‘ are commonly called one Hundred Acres, which do really contain three
 ‘ Hundred Acres, and much more. We see our neighbouring Provinces raise
 ‘ Taxes on the Value of the Estates, Real and Personal, of the Inhabitants,
 ‘ without any difficulty whatsoever: We know of nothing to hinder New-
 Jersey from raising Taxes in the same Manner.

‘ We could not have believed it, had not the Assembly told us so, that
 ‘ they are Ignorant of the Oaths we are under for the Performance of our Duty
 ‘ as Councillors, which is an Obligation upon us which the Members of the Assem-
 ‘ bly are not under as Assembly-men; seeing His Majesty’s Commission to His
 ‘ Excellency, by Virtue of which they are called and sit as an Assembly,
 ‘ does also direct those Oaths; which Commission is on Record, open to
 ‘ all, in the Secretaries Office here.

‘ The Assembly are pleased to own they have no precedent in this Colony,
 ‘ of a Quota Bill, such as this is, without any Money given by it for the
 ‘ Support of Government: But why they have laid aside the old Method, and
 ‘ taken up this new, no Reason have they assign’d. But they insist, there hath
 ‘ been long, frequent and customary a Provision by Law for settling Quotas,
 ‘ wherein the Persons and Things to be taxed were to be taken an Account of in
 ‘ the Manner as directed by this Bill in Question, among which the whole of all
 ‘ profitable Tracts of Land, held by Deed, Patent or Survey, whereon any
 ‘ Improvement was made, were to be taken an Account of by the old Method of
 ‘ Taxation, in the same Manner as by the Bill in Question----And this Method
 ‘ being long practis’d with the Approbation of the Publick, doth sufficiently ma-
 ‘ nifest the Councils Opposition to an approv’d Form. To which we say, that
 ‘ would the Assembly have been pleased to have conferred with us, they
 ‘ would not only have not been under the Necessity of owning their preceed-
 ‘ ing Error, but might have avoided the Mistake they are under as to what
 ‘ they now above insist on. For, except one A&t for Support of Government,
 ‘ past in August 1725, there have been no A&ts enacted for forty Years past
 ‘ (for so far we have search’d) with the Words, the whole of all profitable
 ‘ Tracts of Land held by Deed, Patent or Survey, whereon any Improvement
 ‘ was made. (for as to the Support A&t of May 1722, tho’ that Encroach-
 ‘ ment on the Instruction seems to have been intended by the then Assembly,
 ‘ (and was the first attempt to introduce the Word Tracts) yet it was preven-
 ‘ ted by an Addition thereto of the Words of such profitable Lands.) How
 ‘ these

these Words in the Act of 1725 were suffered to pass in that one Act un-explain'd, we know not ; but believe it was because they were passed over inadvertently by the Council, or thought of little or no Moment at that Time. For by that Act and all the other Acts for Support of Government, the Certainties mentioned in those Acts were valued, and the Values were directed to be first summed up and substracted from the Quota of the County; and if the Sum of those Certainties did not amount to the Quota, then the Deficiency was to be laid on Lands: But many Counties in this Province found by Experience, that the Sum of the Values of the Certainties, equaled or exceeded their Quotas, so that there was no necessity of any Tax on Lands in those Counties ; and we have heard, that when the Sum of the Certainties fell sometimes under the Quotas, it has been found so small a Sum, that the Assessors did not think it worth the assessing, and have trusted to the Exceedings of another Year. And its to be remark'd, that in the Act of 1725, and all other the Support Acts for Forty Years, the Lands to be taxed, were those of the Inhabitants and Householders only, whereas by this Bill there seems no such Restriction. And as no Values are put upon the Certainties in this Quota Bill in Question, nor is there any Thing in it so much as to hint that the Value of the Certainties shall first be deducted from the Quotas, it's submitted whether these Acts were *in the Manner directed by this Bill*, and whether the Method now offered by this Bill hath been long practised with the Approbation of the Publick, as the Assembly do now insist.

From what we have now said, we hope that all impartial Men may be convinc'd, that not we, but the Assembly, are the Cause that the Government is unsupported, and the publick Debts undischarg'd,

The Assembly, in their said Message, and in their Address to His Excellency of the 14th Instant, accuse us of having taken Liberties upon us. As to which we think we have taken none but what were our just Right to take. But the Liberties that the Assembly have taken with His Majesty, with His Excellency our Governor, with the Magistrates of this and other Counties, and with us, by those Papers, and during this and former late Sessions, (as will appear by their Minutes) and by their spreading base, false, scandalous and injurious Libels against us, we believe all sober and reasonable Men will think unjustifiable. God only knows the Hearts and Thoughts of Men ; they have (it seems to us) even not left that His Province uninvaded, for they take upon them to suggest our Thoughts to be, *not out of any great Regard to His Majesty's Instruction, that we have been led to make our Amendment, but to exempt our large Tracts of Land from Taxes.* when they well know, that a Majority of this House are not Owners of large Tracts of Land, and those who have such, do declare, they never had the least thoughts of having their Lands exempted from Taxes, consistent with Reason and His Majesty's Instruction.

February 19. 1750

By Order of the House,

CHARLES READ, Cl. Cen.

The House adjourn'd till to-morrow Morning nine o'Clock.

Wednesday

Wednesday, February 20, 1750.

The House met.

The House taking into Consideration the Message of the Council of Yesterday by Mr. Kemble, are unanimously of Opinion, that it would be taking up too much Time at the publick Expence, for the House to make any particular Answer thereto; nor indeed is it necessary, when considered, that the Message it self, will discover the Councils Aim in having the improved Part only, of Tracts of Land taken an Account of for a future Taxation, which, if admitted, would exempt the unimproved Part of such Tracts from paying any Part of the publick Tax. So that should a Gentleman be posses'd of 10,000 Acres of Land in one Tract, worth 10,000 £. Pounds, and only 50 Acres of it improv'd; and a poor Freeholder should be posses'd of a Tract of 100 Acres of Land only, worth but 100 £. and 50 Acres of it improv'd, the poor Freeholder must pay as much as the Gentleman: And this we may venture to say (without invading the Province of God, which the Council are pleased to charge us with) would be the obvious Consequence of the Bill in Question, if pass'd in the Manner the Council insist. And why a poor Man worth only 100 £. should pay as much Tax, as a Gentleman worth 10,000 £. will be difficult for the Council to show a Reason; but at present we may set in down as a wonderful and surprizing Expedient indeed to favour the Poor.

The Council instead of making it appear, that they have a right to amend the said Bill, as they have repeatedly resolved they had; have unhappily fell into the railing Language of the meanest Class of Mankind, in such a Manner, that had it not been sent to this House by one of their Members, no Man could imagine that it was compos'd by a deliberate Determination of a set of Men, who pretend to sit as a Branch of our Legislature; for towards the Close of the above-mentioned Message, they charge us with having taken Liberties with His Majesty, with His Excellency our Governor, with the Magistrates of this and other Counties, and with our having spread false, scandalous, and injurious Libels against them the said Council, which, they say, they believe all sober and reasonable Men will think unjustifiable. What Liberties we have taken with His Majesty, otherwise than to assert our Loyalty to Him, in our Address to His Governor, we know not. What Liberties we have taken with the Governor, unless it be to tell him the true Reason of the Government being so long unsupported, and to represent the publick Grievances to him for Redress, we know not. What Liberties we have taken with the Gentlemen of the Council, other than to tell them the Truth in modest, plain English, we know not. What Liberties we have taken with the Magistrates of this and other Counties, unless it be to enquire into their Conduct upon Complaint, and after a fair and impartial Hearing, to represent their arbitrary and illegal Proceedings for Redress, we know not. And wherein we have been guilty of spreading false, scandalous, and injurious Libels against the Council, we know not: Therefore it will be incumbent on them to point out and duly prove, some undue Liberties we have taken, and Libels spread, before any sober and reasonable Men will be prevailed on to condemn our Proceedings

Proceedings, as unjustifiable, which we think they will not do upon the slender Authority of the Councils insulting Message to this House; which, in our Opinion, is so far from being likely to prevail on any sober and reasonable Men, to believe the false, scurrilous and groundless Charges therein alledged against us, that it will rather discover the Council to be Men at least under the Government of Passion, if not void of Reason and Truth; and untill they recover the right Use of their Reason again, it will be fruitless for this House to spend Time in arguing with them.

A Message from His Excellency by Mr. Secretary, in the following Words.

Gentlemen of the General Assembly,

IN answer to your Addrets to Me of the 14th Inst. I think proper to observe to you, that I have discharg'd My Duty to His Majesty, in laying before you His repeated Orders for transmitting home a Correct Map of this His Majesty's Province of New-Jersey.

And what I said to induce you to assist in the design'd Treaty with the Six Nations at Albany, was because I judg'd it a Matter that might have a natural Tendency to His Majesty's Service and Honour, as well as to the future Safety of this Province, and I could have wish'd, that these Things appeared in the same Light to you as they do to me.

I would refer you to what I said to you in February and October last, as to the Removal of any of the civil Officers of the Government, nor is it in my Power to proceed otherwise on such Occasions.

As to the Bill pass'd in your House this Session, for levying of a Tax to supply the Treasury with Money, for the Payment of the publick Debts; you say it is the seventh of the kind which you have offered to His Majesty's Council, and has been disagreed to by them: If my good wishes and pressing upon you both a better Harmony and Agreement in this Matter, could have prevail'd, the publick Affairs had been now in a more happy and easy Situation: But as I believe you yourselves have hardly any Expectation of this Bills ever getting into a Law, I wish you would, for the Honour of the Government, in doing Justice to all who have Demands on the Province, be the Authors of some other reasonable Method for supplying the publick Treasury.

Altho' I have been going on steadily in the Administration of the King's Government of this Province, and have done every Thing in my Power for advancing His Majesty's Honour and Interest, together with the Welfare and Prosperity of the Province; yet it is now going on of two Years that I have not received one farthing Salary, which I assure you is look'd upon at Home, as a Disrespect and Indignity offered to the King's Royal Commission, as well as a great Hardship and Injustice to His Governor. I therefore desire you to give this Matter its due Weight and Consideration, and which may prevent my calling you again at a Time when it may not be so convenient to your Domestick Affairs.

Burlington, Feb.

20. 1750.

J. BELCHER.
Ord.res.

Ordered,

That His Excellency's Message have a second Reading this Afternoon.

The House adjourn'd to 2 P. M.

The House met.

His Excellency's Message, according to order, was read the second time.

Ordered,

That Mr. Emley and Mr. Hancock do wait upon His Excellency, and acquaint him, That this House having maturely consider'd His Message of this Day, by Mr. Secretary, and not thinking it needful to suggest any Thing new on the several Heads therein contained, beg leave for Answer thereto, to refer His Excellency to their Address of the 15th Instant.

It is with Concern we hear that a Support being not provided for your Excellency, is look'd upon at Home as a Disrespect and Indignity offered to the King's Royal Commission; but when it appears how assiduously this House have apply'd themselves in order to support His Majesty's Government, and pay the publick Debts, but as often Disappointed, we doubt not but the blame of that Disrespect will be taken off from the House, and laid upon them that justly deserve it.

And that as this House have gone through all the Business they have had any Encouragement to enter upon at this Sitting, desire His Excellency will be pleased to dismiss them.

Mr. Emley reported, that Mr. Hancock and himself delivered the Message with them entrusted, to His Excellency, who was pleased to say, he believed the House should hear from him to-morrow.

The House adjourn'd till to-morrow Morning nine o'Clock.

Thursday, February 21. 1750.

The House met.

A Message from His Excellency by Mr. Secretary, in the following Words:

Gentlemen of the General Assembly,

I HAVE read and considered your Message to me of the 11th Instant, respecting John Riddell, appointed some Years ago to be Sheriff of the County of Somerset, who was recommended to me for the said Office by Thomas Leonard, Esq; with most of the other Magistrates, and a good Number of the Freeholders of the said County.

I have also consider'd the many Allegations you have laid before me against the said Thomas Leonard, Esq; on your supposing his not having done

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his Duty as the Law requires, with respect to the qualifying of the said *Riddell* to the Office of Sheriff of the said County, and I gave your Message to me on this Subject to the said *Leonard*, and to which I required his Answer, and the same he accordingly brought me. These Things, together with *Joseph Bonney's* Petition to your House, I laid before His Majesty's Council of this Province, for their Opinion and Advice, as to my further Proceeding with respect to the said *Thomas Leonard*, Esq; Which Advice, with the said *Leonard's* Answer, I send you herewith. I have also consider'd your Message of the 12th Instant, relating to *William Deare*, Esq; Sheriff of the County of *Middlesex*, of the City of *Perth-Amboy*, and also of the Corporation of *New-Brunswick*, which Message I laid before His Majesty's Council for their Advice upon it, which I herewith send you.

In these Things I have acted agreeable to His Majesty's Royal Instructions, and from which I hope you will never desire me to deviate.

Burlington, Feb.

21. 1750.

J. BELCHER.

Mr. Secretary also laid before the House the several following Papers, which were read, and with the Governors said Message, referred to be considered at the next Sitting of General Assembly.

Judge Leonard to the Governor.

May it please your Excellency,

*I*n obedience to your Excellency's Order in Council of the thirteenth Inst. ordering me to give my Answer in Writing to the Petition of *Joseph Bonney*, and the Message of the House of Assembly to your Excellency of the 11th Instant, do humbly say,

That I am heartily sorry for the unfortunate Circumstances of the said *Joseph Bonney*, set forth in his Petition, and think his Case deserves Compassion.

That *John Riddell*, late pretended Sheriff of *Somerset* County, came many Years ago to live at *Prince-Town* in the said County, and kept a Store of Goods there, and afterwards married a Woman there with a good Estate, Real and Personal. Of Real Estate, she had one Tenement that let for Twenty-five Pounds per Annum; another that let for eight Pounds per Annum, and another for six Pounds per Annum. And of personal Estate, she had sundry Negroes, and other considerable visible personal Estate. That sometime after he the said *Riddell* married, he bought a Lot in *Prince-Town*, and built a dwelling House upon it, in which dwelling House so built by him, he and his Family lived long before he was Sheriff, where *John Horner* lodged and boarded with him. And the said *Riddell* also purchased a Thirty Years Lease of another Tenement in *Prince-Town*, which is now lett by the Wife of the said *John Riddell* for six Pounds per Annum.

That while the said *John Riddell* was in the Circumstances before set forth and having all along, so far as I know, behaved himself well, and obtained

a good Reputation and general Respect in the County of *Somerset*; *Barefoot Brinson*, then Sheriff of the said County, died, whereupon the said *John Riddell* obtained Recommendations to your Excellency in Writing, to succeed the said *Brinson* in the Office of Sheriff, from most of the Magistrates and principal Freeholders of the County of *Somerset*, among which I was one, in no ways doubting of his Ability and Fitnes for the said Office, as by those Recommendations, which I doubt not he delivered to your Excellency, may appear.

That upon those Recommendations, with the Advice of His Majesty's Council, I believe it was that your Excellency gave the said *John Riddell* a Commission for the Office of Sheriff of *Somerset*, without any Application from me, otherwise than by signing the said Recommendation along with others as before, to my Remembrance, Knowlege or Belief.

That the said *John Riddell* having so obtain'd the said Commission, came to me, as the nearest Judge of the said County, to give in Security for the due Execution of the said Office according to Law; and because no Copy of the Sheriffs A&t had then come to my Hands, I desired him to get the Bond drawn either by Mr. *Cotman*, who acted as Deputy in the County of *Somerset*, for the Attorney General, or by Mr. *Hooper*, Clerk of the said County, and accordingly he brought a Bond drawn, as he said, and I verily believe, by the said Mr. *Cotman*.

That the said *Riddell* told me, that *John Horner*, *William Montier* and *John Dennison* would be his Securities; which *John Horner* was then in Possession, and generally deemed Owner, of a real Estate, in the County of *Somerset*, worth about One Thousands Pounds, and of a real Estate in the County of *Middlesex*, worth several Thousand Pounds: That the said *Horner* has since sold of his *Somerset* County Estate, to the Value of several Hundred Pounds, and the Remainder of that Estate I believe is still worth seven or eight Hundred Pounds; and his real Estate in *Middlesex* County, which is separated from his *Somerset* Estate only by a Highway, is I believe now worth several Thousand Pounds; and then, or as yet, I should in no ways have scrupled to have taken, or now to take him, as sufficient Security to myself, for a Thousand Pounds and much more.

That *William Montier* then rented a Houfe of me in *Prince-Town*, in the County of *Somerset*, at Twenty Pounds per Annum, and was building a Houfe in *Middlesex*, on a Lot of his own, on the other side of the Street, where he now lives, and tho' no Freeholder in *Somerset*, was deemed by me as sufficient to join with the said *John Horner* in the said Bond.

That after the said three Names were filled up as Securities in the said Bond, the said *Riddel* told me, that he could not get the said *Dennison* to be bound with him; whereupon the said *Riddell* put the Name of *Dennison* out of the said Bond; and after the Name of *Dennison* was to put out of the said Bond, the same was executed by the said *Riddel*, *Horner* and *Montier*, which Bond was soon after delivered to the Clerk of the County of *Somerset*.

That

That I had then no Copy of the Sheriffs Act to enable me to administer the Oath of Office of Sheriff thereby prescribed, and the Rolls for the Oaths to the Government, were then in the Hands of *Paul Miller*, another of the Judges of the County of *Somerset*, who had for many Years before and since, usually administred those Oaths, wherefore I ordered the said *Riddell* to go to the Clerk of the County with his Commission, and to see the Sheriffs Act, and by his Advice, to do what further was to be done pursuant to the Law. And I do solemnly declare, that until *Riddell* run away, I never, to my Knowledge or Belief, heard that he had not taken the Oaths, and fully complied with the Directions of the Act of Assembly.

That till a small Time before the said *Riddell* run away, I never, to my Knowlege, heard of any Blot in his Chara&ter, or of any vicious Behaviour, but then I was informed, that he had taken to drink privately; but never heard of any other Vice he had taken to: And when he run-away he was, and still is, Thirty Pounds indebted to me, which I had no doubt of, till he run-away.

That as I make no doubt but that the Security for the said *Riddell*, is good and sufficient, whoever has been injured by the said *Riddell*, as Sheriff, may I believe, by that Security, obtain Relief and full Redreſs.

I do deny that any Thing in the said Petition and Message material, concerning me, and not hereby sufficiently answered, is true, to my Knowlege or Belief: And I do declare, that whatever I acted in this Affair, was done, *bona fide*, and according to the best of my Knowlege, without any the least thought of Injuring any Man, or of the Neglect or Breach of any Duty incumbent upon me.

*I am your Excellency's most obedient
and humble Servant,*

Thomas Leonard.

The Council to the Governor.

May it please your Excellency,
IN Obedience to your Excellency's Order in Council of the 13th Instant, referring to us the Petition of *Joseph Bonney*, and the Message of the House of Assembly to your Excellency, of the 11th Instant, for our Advice thereon.

We have consider'd the fame, and the Answer of *Thomas Leonard*, Esq; to the Matters therein alledged against him: And if what he Answers be true, it does not appear to us, that he is guilty of the Neglects and Breaches of Duty alledged against him. But as we are no proper Judges of such Facts alledged by the said Message on the one Hand, and avoided or denied by the said Answer on the other Part; we are humbly of Opinion, that your Excellency

lency do lay the same Answer before the House of Assembly, in order that they may reply to the said Answer, and point out, and insist on such Facts denied by it, as they shall think proper: And if those insisted on, shall appear to us to be in any way a Breach or Neglect of Duty incumbent on him to have performed; we shall then humbly advise your Excellency to order the Attorney General to file an Information against him, for the Trial of the Truth of the Facts insisted on, and when Mr. Leonard is found guilty or acquitted of those Facts, we can with Safety finally advise your Excellency in this Matter.

*We are your Excellency's most Obedient
Humble Servants.*

February 17. 1750. A True Copy,
Charles Read, Secry.

The Council's Opinion on the Affair of William Deare, Esq;

May it please your Excellency,

IN Obedience to your Excellency's Order in Council of the 13th Instant, referring to us the Message of the Assembly to your Excellency of the 12th Instant, concerning *William Deare*.

We humbly report to your Excellency, that we sent for the said *William Deare*, who brought *John Deare*, his Father, whose Depositions we took in the following Words.

John Deare of the City of Perth Amboy, being duly Sworn on the Holy Evangelists, on his Oath declared, that his Son William Deare, was above twenty-six Years ago, born at Middle-Town Point, in the County of Monmouth, and two Years afterwards this Deponent removed to the County of Middlesex, where he hath ever since resided, and his said Son with him, till of Age fit to be put Apprentice, and as such he served William Ouke, of New-Brunswick, Merchant, in the said County of Middlesex: That after his Apprenticeship was out, he attended the Business of Andrew Johnston, Esq; at his Mills, in the said County of Middlesex, for about four Years, from sometime in 1743 to some time in 1747. That for sometime afterwards, he lived with this Deponent in Middlesex County, where this Deponent esteems his Place of Residence has ever since been, tho' at sometimes he assisted Mr. Walton of New-York, in his Business, but was at Liberty at any Time, upon two Months Notice, to leave Mr. Walton. That his said Son has not been any one Time since he first went to Mr. Walton, so much as a Year out of the County of Middlesex; and that during that Time he was four or five Times in the County of Middlesex, with this Deponent for several Weeks at a time. That long above three Years before the 22d. of January last, this Deponent granted to his said Son, a firm Deed for a Freehold in the County of Middlesex, and believes he is still thereof seized in Fee Simple. And further saith not

Sworn the 14th Day of February 1750 before S

John Deare.

The aforesaid William Deare being duly Sworn, saith, he has heard read the above Deposition of his Father, and believes it to be true. And saith he is now M

now seized of and never sold or disposed of the Freehold granted to him by his Father as above is mentioned; and further saith not,

Sworn the Day and
Year above before

William Deare.

We also humbly report to your Excellency, that as it is a Point of Law, whether, on the Facts in the said Depositions set forth, the said *William Deare* was a Resident for three Years before the 22d. of January last, the Date of his Commission as Sheriff, we requested the Opinion of the Judges of the Supreme Court thereon, which Opinion they have given us in the following Words.

' At the Request of His Majesty's Council of the Province of New-Jersey,
' for the Opinion of the Judges of the said Province, whether (on the Facts
' appearing in the Deposition of *John Deare*, Esq;) *William Deare*, Esq; Sheriff
' of Middlesex, hath been Resident in the said County, pursuant to the Law
' of the said Province in that Case made and provided? We have taken the
' same into Consideration, and are of Opinion, that we are in Duty bound
' rather to consider the Word *Resident* by the Construction of the *Law*, than
' in that Sense which it may have obtained by *common parlance*.

' Preambles to Acts are generally said to be the Key to such Acts; but
' neither the Title nor the Preamble to the Act in Question, give us the least
' Light therein. If we are to judge of the meaning of the Word *Resident*
' by the Acts of Assembly of this Province, * the Act to explain what shall
' be a legal Settlement, &c. passed in the 13th Year of His present Majesty's
' Reign, makes Residency and gaining a Settlement, synonymous Terms; and
' in the first enacting Clause of the said Law (among many other Qualifications
' for obtaining a Settlement) it expressly declares, *That no Person shall be
deemed Resident, or be entitled to a Settlement, in any Town, &c. who hath
not lived in one House or Family one full Year, or served an Apprenticeship
by Indenture in such Place, &c. In all which Cases such Person shall be ac-
counted a legal Setler, &c.* And the second and third enacting Clauses of the
said Law, further shew, the Congruity of the Words *Resident* and *Settlement*;
where it provides, that upon a Persons removing from one Town to another
in this Province, such Person shall, in a Months Time after such removal,
procure a Certificate from the Officers of the Town from whence he came;
owning and acknowledging him + *properly to belong to, and to be a Resident*
thereof: And thereby the Act plainly Demonstrates, that tho' a Person shall
remove from one Town to another, and actually dwell and continue there
for a twelve Month, yet by Virtue of that Certificate, he shall be esteemed
properly to belong to and to be Resident in the Place from whence he so re-
moved, and where he had obtained a Settlement. And the Overseers of
the Poor of the City of *Perth-Amboy* would have been obliged to have given
him a Certificate thereof if required.

The

* Laws of the Province 13 Geo. 2. 418. 419

† Ibid

lency Two Laws of the Province therefore having generally used the Word *Resident* in this Sense, we shall next proceed to consider how far *William Deare* hath been Resident in the County of *Middlesex*, three Years immediately preceding his obtaining a Commission as Sheriff of the said County, and how far he hath lost his *Residency* therein, by living with Mr. *Walton* of *New-York*.

It appears first, by the Affidavit of *John Deare*, that *William Deare*, his Son, was a Freeholder in the County of *Middlesex*, above three Years, and that he believes he is so still; and by the Affidavit of *William Deare*, it also appears, that he is at present a Freeholder in the said County, and hath been so three Years before the 22d. of *January* last, (the Time of his obtaining the said Commission) It appears further by the Oath of *John Deare*, that *William Deare* served an Apprenticeship with Mr. *William Ouke*, at *New-Brunswick* in the County of *Middlesex*, in this Province; and afterwards was retained several Years in the Service of *Andrew Johnston*, Esq; in the same County, from which Services he obtained a legal Settlement in said County of *Middlesex*, according to Act of Assembly: And from the Facts contained in the said Affidavit of *John Deare*, the said *William Deare* is at present legally settled in the said County of *Middlesex*: Nor could he have been legally settled in any other County of this Province, had he lived with any Person Inhabitant of such other County, under the same Agreements with those entered into with Mr. *Walton* of *New-York*, since it appears by the aforesaid Affidavit of *John Deare*, that the said *William* was at Liberty, at any Time, to leave the said Mr. *Walton's* Service on two Months Notice, and was never absent from the County of *Middlesex* one whole Year. Now we would Remark, that for the obtaining a Settlement by the Laws of *England*, the Authorities expressly declare, * that there must be an absolute hiring for a Year certain, without reserve, and an actual Service of one whole Year.

We come next to consider how far his Freehold aforesaid, may gain him a Settlement and Residence.

It was resolved, † that wherever a Person came to look after his own Estate, he was settled and not removable. † Living in a Parish where one hath Lands, makes a Settlement; and the Law takes Notice of Freeholders, such as chuse Members of Parliament and are Jurors.

Both these *William Deare* could undoubtedly do.

§ *N. P.* was born and lived till he was of Age in the Parish of *St. Clear*, afterwards he goes into *St. Neets*, and lives with a Gentleman there as his Servant for eighteen Months, then returns to *St. Clear*, the Place of his Freehold, but never resided there, after this, for forty Days together. On a Dispute of his Settlement, adjudged to belong to *St. Clear*, (where his Estate lay)

* Viner R. S. Title Settlement of the Poor. † 10. Mod. 431. Viner R. S. 371. The King against the Parish of Burdeer. † Ibid. 372. Rislip Parish against Hanow Parish. § The King against the Inhabitants of St. Neets and St. Clear. Vin. R. S. 373.

' lay) and not to *St. Neets*, altho he had been a hired Servant there for eighteen Months.

* N. rented an Estate of 100*l.* per Ann. in *Sowton*, and lived there some Years with his Family; he had at the same Time an Estate in his own Right at *Sydney*, but never lived Forty Days successively in *Sydney* where his Estate lay. Adjudged that his Settlement was at *Sydney*, where his Freehold was, and not at *Sowton*, where he had lived some Years and rented 100*l.* per Ann.

By the Statute of the 8 H. C. ch. 7. it is enacted, that Knights of the Shire, shall be chosen by Persons Dwelling and Resident in the same County, having a Freehold of Forty Shillings *per Annum*. And that they which shall be so chosen, shall be Dwelling and Resident in the said Counties: Yet is it well known, that the uncontrovred Custom of *England* is, that Persons living in one County, frequently pass into another, where their Freehold lie, to give their Votes for such Knights of the Shire: And that even the Persons so chosen, often live in *London*, or other Parts of the Kingdom, remote from the Counties for which they are elected. From all which it is evident, that the Parliament of *England*, as well as the Judges of the Courts of Common Law, have always esteemed every Person to be Resident where his Freehold lays.

Upon the whole, we are humbly of Opinion, that *William Deare*, Esq; hath been legally a Freeholder and Resident in the County of *Middlesex* for three Years immediately before the 22d. of *January* 1750, at which Time he obtained his Commission of Sheriff of the County of *Middlesex*.

We are your Honours

most Obedient Humble Servants,

February 16. 1750.

SAMUEL NEVILL,
CHARLES READ.

And we do further humbly report to your Excellency, that we unanimously agree in Opinion with the said Judges, that *William Deare*, Esq; was a Freeholder and Resident in the County of *Middlesex*, for three Years next immediately preceding the Date of his said Commissions.

February 17. 1750.

A True Copy from the Minutes of Council,
Charles Read, Secry.

Ordered,

That Mr. *Spicer* and Mr. *Mickle* do wait on His Excellency and acquaint him, that the House not having Time to proceed on the Message of His Excellency of this Day, and the Papers therein refered to, have therefore referred the same to be considered at the next Sitting of General Assembly; and that the House having nothing before them, that they have any Encouragement

* The King against the Inhabitants of *Sowton* and *Sydney*. Vin. R. S. 374.

ragement to proceed on, do desire His Excellency will be pleased to dismiss them.

The House adjourn'd to 2. P. M.

The House met.

Mr. Spicer reported, that Mr. Mickle and himself, waited upon His Excellency with the Message of the House, who was pleased to say, he did not want so many Monitions about the House's rising, when he was ready for their rising they should rise, and not before, which he believed would be to-morrow.

The House adjourn'd till to-morrow Morning 9 o'Clock.

Friday, February 22. 1750.

The House met.

A Message from His Excellency by Mr. Secretary.

Gentlemen of the General Assembly,

I AM sorry a Month should be already spun out in this Session, without the passing of any one Bill, except the revival of the *Militia Act.* — Altho' I have once and again press'd upon you the supply of the Treasury, yet you have done nothing more than a repeated passing of what you call a *Quota Bill.* After attempting to get such a Bill thorough at the Council, six Times before, surely you can't have the least Expectation of this Bills ever coming into a Law.

As Money Matters are most properly in your Province, if you cannot raise it in the Method which you think the best, it is undoubtedly a Duty which you owe to the King, together with a tender Regard to the People, that you go into the next best Method of raising Money, to save the Province from the further Practice of Injustice, and the endless confusions which must ensue, if Things should continue in the deplorable State they now are.

My Duty to His Majesty, and the paternal Regard I have to His People committed to my Care, obliges me to lay before you an Extract of a Letter I received the latter End of last Month, from the Right Honourable the Lords Commissioners for Trade and Plantations, couch'd in the following Words.

In the State of Rebellion in which your Colony is so unhappily involv'd, Order and good Government seem to be entirely subverted, and the Law is no longer a Protection, either to the Persons or Properties of His Majesty's well affected Subjects, *What can be said of an Assembly, who in the distress'd Situation of their Country, have so often obstinately refused to supply*

" supply the Exigencies of Government, or to take an Measures whatsoever
" for suppressing the Rioters, who are thereby encourag'd to continue their
" wicked Practices without Controul or Restraint."

" I hope you will wisely consider what I now communicate to you, that
" you may see in how disadvantageous a Light you stand with the KING and
" His Ministers; and to prevent His Majesty's further Displeasure, you will
" go into some feasible way to supply the publick Treasury with Money.

" But if you cannot at present go thro' that Matter, yet you may pass
" what you call a *Support Bill*, which will be some step-towards Justice to
" the Creditors of the Province. And altho the Council have already denied
" one *Support Bill*, yet if you are truly in earnest to pay off the just Demands
" on the Province, you will try them again on that Head, as you have often
" done upon the *Quota Bill*; and to do it now may prevent my making
" any Complaint to His Majesty on this Affair, and at the same time save you
" the Trouble, and the good People of the Province the Expence, of my soon
" calling you together again, and to this Matter I desire your plain and
" particular Answer.

Burlington, Feb.

22. 1750-1.

J. BELCHER.

A Message from the Council, by Mr. Saltar, in the Words following.

This Houle having Yesterday receiv'd Information, that the Assembly had done something extraordinary, concerning our Message to them of the 19th Instant, which they did not intend to communicate to us, we appointed a Committee to inspect the Journals of the House, and to report what they found to that purpose; which Committee now reported, that they found a Minute of the 20th in the Assembly's Journal, a Copy whereof they laid before this House, attested by the Clerk of the Assembly, which being taken into Consideration by this House, We unanimously declare, we are not (whatever other Persons may be) surprized at the Diction of the above Minute of the Assembly, nor at their Candour of their calling upon us, to point out Proofs of what we had alledged, and yet endeavouring to keep that *Call* hid from us till we should see it in Print in their Minutes, at which Time we could not probably be a Body to comply with their *Call*, nor until we were called afterwards as a Branch of the Legislature.

As we are informed, that probably this Session of the Legislature will this Day End, and that the Assembly have already made repeated Calls on His Excellency to dismiss them, we think it our Duty, in this shert Time, before that be done, to make some Observations on the above Minute of the Assembly.

Instead of shewing, that, in the Cases we had put in our Message, the *Quota Bill*, as it stands, would not break in upon His Majesty's Instruction, and that taxing Lands by the Acre, and not the Value, was just and reasonable, which was incumbent on the Assembly to have done, they put another Case

Cafe, which we don't perceive has any Relation to those, or any other Points in our Message. But however we observe on it, That if the Gentleman who has 10,000 Acres of Land; and only 50 Acres of it improv'd, of equal Goodness with his Neighbour, who has 100 Acres and also 50 Acres of it improv'd ; and if the Care and Industry of both are equal, the yearly Income and Profit of the Gentleman and Freeholder, from their improved Lands, should be equal, and in that respect should be equally taxed. As to the Gentleman's 9950 Acres unimprov'd, tho' he or his Ancestors bought it with their Money, yet has he no more yearly Income or Profit of it, than his Neighbour the Freeholder, whose Horses, Cows and Sheep, can, and will, as freely graze and feed upon it as the Gentleman's. And if that Neighbour can by that Means, make as much yearly Profit from it, as the Gentleman, there seems no Reason for an inequality of Taxation in that respect ; and tho' the 9950 Acres be not taxed, yet the Horses, Cows and Sheep that feed upon it, both of the Gentleman and the Freeholder, are taxed, and in that respect, it pays a Tax thro' the Gentleman, and all the Freeholders and others whose Cattle feed upon it.

As to the Proofs that the Assembly call on us for, of the *unjustifiable Liberties* they have taken with His Majesty, with His Excellency, with the Magistrates, and us, we shall now, for brevity, assign only one Instance of each of the many that we could assign.

By the Assembly's Endeavours to have the *Quota* Bill pass'd, without any saving of His Majesty's Instruction, their Intent to break thro' that Instruction is apparent, and yet by their Address to His Majesty, printed in their Minutes of October 1749, they took the Liberty to approach the Throne, and Value themselves and their Loyalty to His Majesty, upon these their Endeavours ; and we think an *unjustifiable Liberty* is a softer Name than this deserves.

As to His Excellency, they might long ago have seen the Impossibility of their *Quota* Bill's passing in its present Form : And as there are many other Ways by which Money could be raised for paying His Excellency's Salary, without the aid of such a Bill, one of which Ways was pointed out to the Assembly by our Message of December 12. 1748. printed in the Assembly's Minutes of the 14th, and that Part of it reprinted in their Minutes of October 1749 : And tho' often pressed by his Excellency's Speeches, yet have they taken the *Liberty* to refuse all other Methods for raising of His Excellency's Salary, which, we think, is an *unjustifiable Liberty*.

As to their Liberty with Magistrates.— Four Magistrates of the County of Burlington, being met with fourteen Freeholders, for raising of Money for defraying the Charge of the County, pursuant to Law. On one Article propos'd, seven of the fourteen Freeholders voted for allowing it, and five voted against it, and two were Neuter ; the four Magistrates agreed with the seven, and allowed the Article. The Assembly call these Magistrates before them, and declare the Construction the said Magistrates had put upon the Law in that Point (tho' they were upon the Oath of their Office when they did it) to be illegal, and took the *Liberty* to fine and imprison those Magistrates.

strates for this, as appears by the Assembly's Minutes of February 1749-50, and the Depositions we took upon that Occasion ; which we think was an *unjustifiable Liberty*.

As to the Assembly's *unjustifiable Liberties* with us, we think their Proceedings of this Sessions will fully show, and particularly their Resolves upon our repeated Amendment to the *Quota Bill*.

As to that *base, false, scandalous and injurious Libel* upon us, printed by defire by William Bradford of Philadelphia, the Assembly's Printer, in his *Journal* of the 5th Instant, spread thro' this and the neigbouring Provinces : We think Proofs that the Assembly are spreaders of it, will be needless, till they expressly deny the Charge, and that they, or any of them, or their Clerk by any of their Order, desired the printing that base Libel ; and that they, or any, requested a large Number of them to be sent them when printed, and that any large Number of them was sent to any of them, and distributed among the Assembly-men, and a Number remaining over. When thete Things they will be pleased fully to deny, we think it will be then time enough for our Proof of their spreading that *base, false, scandalous and injurious Libel*.

Ordered,

That Mr. Saltar do deliver a Copy of the above Minute to the House of Assembly.

Council-Chamber, Feb. 22. 1750.

The following Answer to His Excellency's Message of this Day, was read in the House, and on the Question, whether the same be agreed to or not? it passed in the Affirmative.

Yea	Yea	Nay
John Wetherill,	William Cooke,	James Smith,
Robert Lawrence,	William Hancock,	Joshua Bispham,
James Holmes,	John Brick,	William Mickle.
John Crane,	Aaron Leaming,	
Joseph Camp,	Jacob Spicer,	
John Van Middleworth,	William Mott,	
Hendrick Fisher,	John Emley.	
Derick Dye,		

The House taking into Consideration His Excellency's Message of this Day by Mr. Secretary, do agree, that Mr. Camp and Mr. Leaming acquaint him, that this House are equally sorry with His Excellency, that a Month should be already spun out in this Session, without passing of any one Bill, except the revival of the Militia Act.

That the House confess His Excellency has often press'd the supply of the Treasury, and that we have as often endeavoured to supply it, in such a Manner as we thought most equitable, and agreeable to the Minds of the People who are to bear the Burthen of that supply, and that our endeavours have been as often defeated as attempted, by the Councils dissenting from the

the Quota Bill. And suppose we should not at present have an Expectation of that Bills coming into a Law, yet it is most properly our Province to raise Money, established by our Constitution and confess'd by His Excellency's said Message, we shall not fall upon any other Method of doing it, than what we have already attempted ; and therefore if the Treasury be supplied, and the Government supported, the Council ought to join with us in our Method of doing it, in order to prevent any further Complaint upon this Head.

That the Extract of the Letter from the Lords Commissioners for Trade and Plantations, copied in His Excellency's said Message, we have perusued, and from that, and other good Grounds, we conceive their Lordships have received false Representations from certain Gentlemen of this Colony, calculated to induce their Lordships to believe, that the People are Disloyal, and the Assembly unwilling to support Government ; whereas were their Lordships duly acquainted with the Truth of Facts, they would readily discover the falacy of such Representations, and be convinced, that the Assembly have long ardently strove to support the Government, but have been defeated therein by the Council, who would not suffer them to do it in the Manner best approved of by them and the People who they represent : And to submit to the Council in their Measures, would be giving up the Rights and Privileges of the People, which we are resolv'd not to do ; but, as much as in us lies, to transmit them sacred to Posterity, in which we have no Reason to doubt His Majesty's just Protection ; nor do we think he will approve any Measures that will have the least Tendency to subvert our Constitution, but on the Contrary, will treat such who attempt its overthrow, as they justly deserve.

That as the Council have denied one *Support Bill* pass'd by this House, we suppose they would also deny another if pass'd ; besides, it would be idle and vain to pass such a Bill when there is no prospect of discharging it : Its true when we pass'd the said Bill, we had some Expectation that the Council would have done their Duty in passing the *Quota Bill* also ; and if so, a Provision might have been made for Discharging it, notwithstanding the Treasury was not fully sufficient at that Time for that Purpose ; but since that the Councils repeated Dissent to the said *Quota Bill*, leave us without any present Expectation of the Treasury's being supplied, and to bring a Debt upon the Colony without seeing any Prospect of discharging it, seems, in our Opinion, not very prudent, especially as Matters stand at present ; therefore we hope His Excellency will not call us upon this Head, until the Council shall recede from their Amendment to the *Quota Bill*, pass'd by the House, this Sessions. And when that is done, this House will proceed with Pleasure to pass a Bill to *support* His Majesty's Government, in such Manner as the Circumstances of the Colony will admit of, and also to pay the other publick Debts thereof.

That we beg leave to inform your Excellency, that this House have lately receiv'd from the Council, two false and scandalous Papers, under the Denomination of Messages, couch'd in Terms altogether unfit for His Majesty's

Council to give, or this House to receive, whereby that friendly Communication which ought to subsist between the two Houses, is entirely cut off: And as it is now evident that no Benefit will arise to the Publick from the Assembly's longer Continuance together, we beg leave once more humbly to entreat his Excellency to dismiss us.

Mr. *Camp* reported, that Mr. *Leaming* and himself, delivered the Message with them entrusted to his Excellency in Council.

A Message from his Excellency by Mr. Secretary.

' Mr. Speaker,
His Excellency is in the Council Chamber, and requires the Attendance of the House.'

Whereupon Mr. Speaker left the Chair, and with the House went to wait upon His Excellency, and he ws pleased to porogue the General Assembly to *Wednesday* the 20th Day of *March* next.



BY Virtue of an Order of the House, I do appoint *William Bradford* of *Philadelphia*, to print these Votes.

SAMUEL NEVILL, *Speaker.*



An ACT to enable the Legislature to settle the Quotas of the several Counties in this Colony, in order for levying of Taxes, from time to time, as Occasion may require, for payment of the publick Debts, for support of Government, and defraying the Contingent Charges thereof.

WHEREAS the *Quotas* of the several Counties within this Colony, have not been ascertained for many Years passed: And whereas the Circumstances of the several Counties then in being, are since much altered, and other Counties are also since erected, whereby it is become very uncertain what the Quotas of each respective County ought to be in making a Provincial Tax, which is now become absolutely necessary: Therefore for the better ascertaining the *Quotas* of each County for the Purpose aforesaid, We the House of Representatives of the said Colony, do pray that it may be enacted,

AND BE IT ENACTED by the Governor Council and General Assembly of this Colony, and it is hereby ENACTED by Authority of the same, That all and every of the Inhabitants and Householders of each County in this Colony, on Application to them made by the Assessors of the respective Townships, Precincts and Districts, chosen and elected, or to be chosen and elected; by Virtue of an Act entitled, *An Act for the more regular choosing and electing Assessors and Collectors in the respective Towns and Counties within this Province*, shall forthwith give a true Account of their Names and Sirnames, and of their Estates, Real and Personal, herein after mentioned, which the Assessors shall take down in Writing, so that the said Assessors may be enabled to return their Lists as herein after directed, within three Months after the Publication of this Act. And in case any of the Inhabitants or Householders within the same, shall neglect or refuse to give in such Account, of their said Estates, Real or Personal, such Person or Persons so neglecting or refusing, shall forfeit the Sum of *three Pounds* Proclamation Money of *America*; and an Account of their said Estates shall be returned in the Manner hereafter directed. And in Case the said Assessors, or any of them, shall at any Time within the space of Ten Days after such Accounts are given in, have certain Knowledge, or Reason to believe, or suspect that any Person or Persons have concealed, or not given in a full Account of their respective Estates, Real or Personal, then, and in such Case, it shall and may be lawful for the said Assessors respectively, and they are hereby commanded and enjoined, to make a List or Catalogue of the Names of the Persons so offending, or supposed to have offended, and deliver the same to some one Justice of the Peace of the respective County, who is hereby authorised, impowered and commanded to summon such Person or Persons so Delinquent, or supposed to be Delinquent, at a Day and Place to be by him appointed and prefix'd, and then and there to examine such Person or Persons touching

touching the Lists of their respective Estates, so as aforesaid given in, or touching any other Matters which may any Way concern the Premises, upon their respective Oaths or Qualifications according to Law. And if on such Examination, or otherwise, it shall appear, that such Person or Persons have been guilty of concealing, or not giving in any Part of their Estates by this Act directed, such Person or Persons shall forfeit and pay the Sum of *three Pounds*, Money aforesaid. And if any Person or Persons duly summoned to be examined as aforesaid, shall neglect to appear on the Day and Place to be prefixed him, her or them, or shall refuse to give in an Account as aforesaid, every Person so making Default, his, her or their rateable Estate, shall be adjudged at the Discretion of such Justice of the Peace and Assessor. For all which Penalties aforesaid, the said Justices, on due Conviction as aforesaid, shall give Judgment, with reasonable Costs, and thereupon issue his Warrant directed to the Constable of the respective Town, District or Precinct, for distraining the same, on the Goods and Chattles of such Offender : And in Case no such Goods and Chattles can be found, then to take the Bodies of the Offenders, which shall be committed to the Goal of the said County, there to remain in close Custody until the said Penalties and Costs shall be paid. And the same Penalties, when recovered, shall be paid to the Collector of such respective County, to be disputed of for the Use of the said County, in such lawful Manner as the Majority of the Freeholders, in Concurrence with three Justices of the Peace of the said County, shall think proper.

P R O V I D E D A L W A Y S, that if any Person or Persons shall think him, her or themselves aggrieved by any such Judgment, it shall and may be lawful for such Person or Persons, in the space of ten Days then next following such Judgment, to appeal from the said Judgment to the then next Court of General Quarter Sessions of the Peace of the same County, but not after ; who upon due Examination thereof, shall and may confirm the said Judgment, or give such Relief therein, as may be agreeable to Justice.

A N D B E I T F U R T H E R E N A C T E D, by the Authority aforesaid, that the Assessors aforesaid respectively, shall within three Months after the Publication of this Act, deliver to the Collector of each respective County, chosen and appointed by an Act made in the 14th Year of the Reign of our now Lord the King, entitled, *An Act to enable the Freeholders, in Conjunction with three Justices of the Peace, to choose a Collector for each respective County within this Province*, a true and exact List and Account in distinct Columns therein to be made, of all those Persons and Things herein after mentioned, whereby it may appear what or how much the Quota of each respective County ought to be. And the said County Collectors respectively, shall, on their Receipt of such List, give such Assessor a Certificate or Receipt for the same, and, within ten Days then ensuing, the said Collectors shall deliver the said Lists unto the Treasurer of the respective Division, to be by him transmitted to the General Assembly for the Use and Purpose aforesaid, which said Treasurer shall likewise give such Collector a Receipt for such List to delivered to him by the said Collector.

AND

AND BE IT FURTHER ENACTED by the Authority aforesaid, that in Case any of the Assessors or Collectors aforesaid shall neglect or refuse to deliver such List by the Time above appointed and prescribed, such Assessor or Collector, so neglecting or refusing, shall forfeit, for each Offence, the Sum of *Twenty Pounds*, Money aforesaid: And it shall and may be lawful, for the Treasurers of the respective Divisions, and they are hereby respectively authorized, enjoined and required to sue for the same in any Court of Record within this Colony where the same is cognizable, to be recovered with Costs of Suit, one *Third* to the Use of the Treasurer so suing, and the Residue for the Use of our said Sovereign Lord the King, his Heirs and Successors, towards the Support of this Government, to be disposed of in such Manner as the Governor, Council and General Assembly shall think proper. And in Case the said Treasurers, or either of them, shall knowingly conceal, or neglect to sue, any such Assessors or Collectors, so delinquent as aforesaid, for the Space of one Month after Notice of the said Offence or Offences, then, and in such Case, such Treasurer so offending, shall forfeit the Sum of *Twenty Pounds*, Money aforesaid, for each Offence, to be recovered by any Person who will sue for the same, one Half to the Use of our said Lord the King, his Heirs and Successors, towards the Support of this Government, to be disposed of as aforesaid, the other Half, with Costs of Suit, to such Person so suing, wherein no Esseign, Protection, or Wager of Law, shall be allowed, or more than one Imparlane.

AND in Case any of the Assessors aforesaid, shall in any other Duty, Matter or Thing required and enjoined them by this Act, or any Act or Acts herein recited and referred to for the Purposes aforesaid, neglect or refuse the same, such Assessor shall for each Offence, forfeit the Sum of *Forty Shillings*, Money aforesaid, to be recovered by any Person who will and shall sue for the same, before any Justice of the Peace of the said respective County, with full Costs of Suit, one Half thereof to be paid to the Collector of the said County, for the Use of the said County, to be disposed of in such lawful Manner as the Majority of the Freeholders, in Conjunction with three Justices of the Peace of the said County, shall think proper, the other Half for the Use of the Party who shall prosecute the same to Effect.

AND BE IT FURTHER ENACTED by the Authority aforesaid, that the said respective Assessors, shall make a List, and return an Account in Particular, of all such Persons, Matters and Things, in each Town, Precinct or District, wherein they are respectively chosen Assessors by the Act aforesaid, as herein after is particularly required, mentioned and appointed, that is to say, of all Householders, of all Merchants and Shopkeepers, of all Saw-Mills, Grist-Mills, and Fulling-Mills, of all Furnaces and Forges, with their Number of Fires, of all Glass Houses, of all Stills that distills spirituous Liquors for sale or hire, of all Brew-Houses that Brew for sale or hire, of all Dwelling Houses and improved Lots, of all Ferries, of all Shallops, Boats, Wood Boats and Flats that carry Wood, Goods, or Passengers for Hire, with their Burden, of every single Man that Works for Hire, of every bought Servant and Slave, being Male, of sixteen Years old and upwards, except such Slaves as are not able to work, the whole of all

profitable Tracts of Land, held by Patent, Deed or Survey, whereon any Improvement is made, and no other Tracts, of all Cattle, Horses, and Mares of two Years old and upwards, and of all Sheep of one Year old and upwards.

A N D B E I T F U R T H E R E N A C T E D by the Authority aforesaid, that the said Assessors and Collectors shall have and receive for their Trouble theirein, such Sum or Sums of Money as the Majority of the Freeholders chosen in each respective County, with Concurrence of three Justices (*Quorum unus*) shall or may think reasonable and adequate for such their said Services: Which Sums shall be raised in each County by order of the Justices and Freeholders aforesaid, in such Manner as the Law, in other Cases, directs, for raising Money in the several Counties of this Colony.

A True Copy of the *Quota* Bill as passed the House of Assembly in February 1750.

SAMUEL NEVILL, Speaker.

